



2025:KER:99000

WP(C) No.31672 & 40998 of 2024

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**CR**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

MONDAY, THE 18<sup>TH</sup> DAY OF MAY 2026 / 28TH VAISAKHA, 1948

WP(C) NO. 31672 OF 2024

PETITIONER/S:

M. B. FAISAL  
AGED 44 YEARS  
S/O. BEERANKUTTY, MELETHIL, VATTAMKULAM P.O.,  
MALAPPURAM DISTRICT, PIN - 679578

BY ADVS.  
SRI.AMAL KASHA  
SRI.T.B.HOOD  
SMT.M.ISHA

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, HIGHER  
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT  
FINANCE (INSPECTION N.T. - J) DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 3 CHANCELLOR  
UNIVERSITY OF CALICUT, KERALA RAJ BHAVAN,  
THIRUVANANTHAPURAM, PIN - 695099
- 4 UNIVERSITY OF CALICUT  
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY P.O.,  
THENHIPALAM, MALAPPURAM, PIN - 673635



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- 5 VICE CHANCELLOR  
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,  
THENHIPALAM, MALAPPURAM, PIN - 673635
- 6 MOHAMED SAJID T.  
(ID NO. 3030) UNIVERSITY SCIENCE INSTRUMENTATION  
CENTRE, UNIVERSITY OF CALICUT, CALICUT UNIVERSITY  
P.O., THENHIPALAM, MALAPPURAM, PIN - 673635

BY ADVS.

SHRI.S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF  
KERALA

SHRI.P.SREEKUMAR (SR.)

FOR R6 BY SMT.NISHA GEORGE

SRI.GEORGE POONTHOTTAM (SR.)

SRI.A.L.NAVANEETH KRISHNAN

R4 BY ADV. SRI. P.C.SASIDHARAN, SC

R5 BY SMT. M.A.VAHEEDA BABU

SMT.K.G.SAROJINI, GOVT.PLEADER FOR THE STATE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
18.12.2025, ALONG WITH WP(C)NO.40998/2024, THE COURT ON  
18.5.2026 DELIVERED THE FOLLOWING:



2025:KER:99000

WP(C) No.31672 & 40998 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

MONDAY, THE 18<sup>TH</sup> DAY OF MAY 2026 / 28TH VAISAKHA, 1948

WP(C) NO. 40998 OF 2024

PETITIONER/S:

P.K.KHALEEMUDHEEN  
AGED 50 YEARS  
S/O.ZAINUDHEEN, FATHIMA BHAVAN, KHAZI MAIDAN, PONNANI  
NAGARAM P.O., MALAPPURAM DISTRICT -, PIN - 679583

BY ADVS.  
SMT.M.ISHA  
SRI.T.B.HOOD

RESPONDENT/S:

- 1 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT. HIGHER  
EDUCATION (B) DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM -, PIN - 695001
- 2 CHANCELLOR  
UNIVERSITY OF CALICUT, KERALA RAJ BHAVAN,  
THIRUVANANTHAPURAM -, PIN - 695099
- 3 UNIVERSITY OF CALICUT,  
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY P.O.,  
THENHIPPALAM, MALAPPURAM -, PIN - 673635
- 4 VICE CHANCELLOR,  
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,  
THENHIPPALAM, MALAPPURAM -, PIN - 673635
- 5 REGISTRAR,  
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,  
THENHIPPALAM, MALAPPURAM -, PIN - 673635



2025:KER:99000

WP(C) No.31672 & 40998 of 2024

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6 MOHAMED SAJID T  
(ID NO.3030), UNIVERSITY SCIENCE AND INSTRUMENTATION  
CENTRE, UNIVERSITY OF CALICUT, CALICUT UNIVERSITY  
P.O., THENHIPALAM, MALAPPURAM -, PIN - 673635

BY ADVS.

SHRI.S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF  
KERALA

R4 BY SMT.M.A.VAHEEDA BABU

FOR R6 BY SMT.NISHA GEORGE

SRI.GEORGE POONTHOTTAM (SR.)

SRI.A.L.NAVANEETH KRISHNAN

SRI.BABU KARUKAPADATH

SRI.P.K.ABDUL RAHIMAN

SMT.ARYA RAGHUNATH

SHRI.KARUKAPADATH WAZIM BABU

SMT.P.LAKSHMI

SMT.AYSHA E.M.

SHRI.ABUASIL A.K.

SHRI.MANU KRISHNA S.K.

SMT.HANIYA NAFIZA V.S.

SHRI.HASHIM K.M.

R3 AND R5 BY ADV. SRI. P.C.SASIDHARAN, SC

SMT. K.G.SAROJINI, GOVT.PLEADER, FOR STATE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
18.12.2025, ALONG WITH WP(C)NO.31672/2024, THE COURT ON  
18.5.2026 DELIVERED THE FOLLOWING:

**JUDGMENT****[WP(C) Nos.31672/2024 & 40998/2024**

...

Both these writ petitions are filed by the members of the Syndicate of the University of Calicut, the 4<sup>th</sup> respondent in WP(C)No.31672/2024, which is the 3<sup>rd</sup> respondent in WP(C) No.40998/2024. The grievances highlighted by the petitioners in these writ petitions are in respect of the outcome of the disciplinary proceedings initiated by the Syndicate against the 6<sup>th</sup> respondent in both the writ petitions, who was working as the Instrumentation Engineer in the University.

2. On culmination of the disciplinary enquiry, the Syndicate passed an order, finding the 6<sup>th</sup> respondent guilty of all the charges laid against him and also imposed with a punishment of reversion to the post of Junior Engineer for a period of five years. Since it was found that, the actions of the 6<sup>th</sup> respondent caused loss to the University to the tune of Rs.27,42,116/-, it was ordered to recover the said amount from the said person. However, on the appeals submitted by the 6<sup>th</sup> respondent, the said order was set aside by the Chancellor of the University, and directed reinstatement of the 6<sup>th</sup>



respondent with all consequential benefits, as if, the said respondent was continuing as Instrumentation Engineer. The petitioners are aggrieved by the said decision and also aggrieved by the non-implementation of the decision taken by the Syndicate, to challenge the order passed by the Chancellor by filing a writ petition before this Court. *(WP(C)No.31672/2024 is treated as the leading case and the parties as well as the Exhibits are referred to in this judgment, as described in the said writ petition, unless otherwise specifically mentioned.)*

3. The facts that led to the filing of these writ petitions are as follows: The 6<sup>th</sup> respondent was working as the Instrumentation Engineer at the University Science and Instrumentation Centre (USIC) of the Calicut University. Earlier, the University issued a tender notice on 4.6.2013 for installation of Local Area Network (LAN) for connecting various offices of the University as per Ext.P1. In the said tender notice, the rate of cable required for completing the work, was to be specified in 'meters', whereas, for the consumables required for such installation as specified in Part D.5 of Ext.P1, the rate was to be indicated in 'lot'. In response to the said tender notice, six bids were received and the 6<sup>th</sup> respondent in his capacity as the Instrumentation Engineer, evaluated the quotations and submitted



comparative statements for the purchase of LAN goods and labour charges. Accordingly, sanction was accorded by the 4<sup>th</sup> respondent-University to enter into a rate contract with M/s. Net Links Business Consultants India (P) Ltd. for the supply of LAN. Ext.P2 is the said order. As per Ext.P2 order, the awardee laid cable for a length of 32,009 meters of LAN installation and the total amount given to the contractor was Rs.31,32,616/-, in which, the value of the consumables was just Rs.36,000/- which was calculated at the rate of Rs.1,000/- per lot.

4. After the expiry of the period of contract referred to above, on 16.07.2014, the University decided to invite a fresh tender for LAN goods and labour charges for internal LAN. For the purpose of publishing a notification, a draft tender notification was forwarded to the 6<sup>th</sup> respondent for verification and remarks, he being the technical expert. After examining the same, when the 6<sup>th</sup> respondent returned the draft tender, no unit of measurement was mentioned for quoting the rate of the consumable items; either 'lot' or other measures.

5. The tender specifications suggested by the 6<sup>th</sup> respondent was approved by the Purchase Committee and a tender notification was published on 08.08.2014. However, the University re-tendered the same again on



19.09.2014, on the reason that, the earlier tender notification evoked very poor response, as only one bid alone was received. In response to the re-tender notification, the University received four bids and the 6<sup>th</sup> respondent was assigned with the task for verification of the tenders. On his recommendation, the University issued order dated 29.12.2014, according sanction for approval of the lowest rates quoted by M/s. Avika Technologies Private Ltd for the supply of LAN goods.

6. In the tender submitted by M/s. Avika Technology, the rate approved by the University for consumables included in Part D.5 of Ext.P3 re-tender notification was in 'meters' which was not a unit of measurement for consumables. According to the petitioners, M/s. Keltron, one of the participants in the tender process did not quote any amount for consumables and another bidder quoted the rate based on numbers of the consumable items. The remaining bidder quoted only Rs.8,000/- for the entire items of consumables. As a consequence of approving the rate quoted by M/s. Avika Technologies, which was Rs.98/- per meter, the total amount claimed by the said bidder towards consumables for drawing the cable for a total length of 29,148 meters amounted to Rs.27,42,116/-. The total amount claimed by the bidder was Rs.81,03627.43.



7. According to the petitioners, this huge amount was claimed by the bidder illegally, whereas, in the work awarded based on the notification in the year, 2013, the total amount spent for consumables was only Rs.36,000/-, when the cable for a length of 32,009 meters was laid. The said amounts were released to the bidder, after the bills forwarded to the 6<sup>th</sup> respondent for verification, were certified by him. According to the petitioners, the 6<sup>th</sup> respondent being the technical person, who was entrusted with the task of prescribing the terms and conditions of the tender, approving the rates and certifying the bills, have committed grave errors and lapses in the above matter, thereby causing serious loss to the University to the tune of Rs.27,42,116/-.

8. In respect of the LAN installation referred to above, a preliminary enquiry was conducted by the Vigilance and Anti-corruption Bureau, based on certain complaints received, and they informed the Higher Education Department of the Government, about the prima facie irregularities found in the said transactions, and sought permission for further action in the matter. Thereupon, the Higher Education Department vide communication dated 26.10.2019 requested the University to take necessary action for the same. Accordingly, in the meeting of the Syndicate of the University held on



3.12.2019, permission was accorded to conduct a Vigilance investigation into the alleged irregularities. Accordingly, U.O No.17588/2019/Admn.dated 17.12.2019 was issued by the University in this regard and the enquiry initiated by the Vigilance and Anti-Corruption Bureau, Kozhikode Unit, is now in progress.

9. In the meanwhile, acting on a complaint received by the Government, the Finance (Inspection) Department conducted an inspection in the University in the year 2019 and based on the same, a detailed report was submitted on 08.06.2020. In the said report, taking note of the various irregularities detected, it was suggested to initiate disciplinary action against the 6<sup>th</sup> respondent. The Higher Education Department forwarded the said report to the University for necessary action. After considering the said report, a decision was taken by the Syndicate of the University on 9.9.2020 to conduct an enquiry against the 6<sup>th</sup> respondent and as part of the same, the 6<sup>th</sup> respondent was suspended pending disciplinary proceedings against him.

10. Challenging the report of the Finance (Inspection) Department and the suspension order issued by the University, the 6<sup>th</sup> respondent filed WP(C)No.10366/2021 before this Court. A learned Single Judge of this Court, as per Ext.P5 judgment dated 2.12.2021 interfered in the matter by



setting aside the order of suspension, with a direction to the University to reinstate the 6<sup>th</sup> respondent. The said judgment was challenged by the University by filing W.A.No.130/2022 which resulted in Ext.P6 judgment dated 7.7.2022. The Division Bench of this Court, in Ext.P6 judgment, set aside Ext.P5 judgment and directed the University to complete the disciplinary proceedings within a period of two months.

11. The 6<sup>th</sup> respondent sought a review of the judgment by filing R.P.No.692/2022, but the same was dismissed as per Ext.P7 order dated 3.8.2022. In the meantime, the 6<sup>th</sup> respondent was issued with a charge memo and statement of allegations, in response to which, a written statement was submitted by him in defence. In the meeting held on 17.5.2021, the Syndicate, after considering the statement of defence of the 6<sup>th</sup> respondent, constituted a three member Syndicate Sub Committee. Accordingly, a detailed enquiry as per statute 19 under Part III in Chapter 4 of the Calicut University First statute 1977 was conducted.

12. In the enquiry process, four witnesses were examined on the side of the University and three witnesses were examined on the side of the 6<sup>th</sup> respondent. Forty-five documents were marked from the side of the University and Twenty-five documents were marked on the side of the 6<sup>th</sup>



respondent. After evaluating the evidence, Ext.P8 report was submitted by the Enquiry Committee holding that, all the charges levelled against the 6<sup>th</sup> respondent are proved.

13. Exhibit P8 report was considered by the Syndicate of the University on 11.8.2022 and resolved to intimate the said report to the 6<sup>th</sup> respondent, along with the proposal to impose the punishment to revert him to the post of Junior Engineer for five years and to recover the loss of Rs.27,42,116/- from him. The 6<sup>th</sup> respondent submitted a representation before the Syndicate against the said proposal, and after considering the said representation, the Syndicate in its meeting held on 5.09.2022, resolved to accept the report and to impose the punishment as proposed, including the initiation of recovery proceedings. Accordingly, it was resolved to reinstate the 6<sup>th</sup> respondent, who was under suspension, to the post of Junior Engineer and to treat the period of suspension as leave without allowance. Exhibit P9 is the order issued by the University on 13.9.2022 in implementation of the decision taken by the Syndicate.

14. The 6<sup>th</sup> respondent, challenging Ext.P9, submitted a statutory appeal before the 3<sup>rd</sup> respondent Chancellor, as contemplated under Statutes 52 and 53 of Part III of Chapter 4 of the Calicut University First Statutes,



1977. Based on the directions issued by this Court in the judgment dated 18.1.2013 in WP(C) No.42605/2022, the appeal was heard by the Chancellor on 20.1.2024. Thereafter, as per the interim order dated 22.1.2024, the Chancellor directed the University to keep in abeyance all further proceedings of recovery based on the impugned order and also stayed the procedure initiated to fill up the post of Instrumentation Engineer, which fell vacant consequent to the reversion of the 6<sup>th</sup> respondent. Subsequently, as per Ext.P10 order dated 27.6.2024, the Chancellor set aside Ext.P9 order passed by the University with a direction that, the 6<sup>th</sup> respondent shall be reinstated in service with all service benefits due to him, as if, he continued in the post of Instrumentation Engineer without any reversion.

15. Upon receiving Ext.P10 order of the Chancellor, a meeting was convened by the Syndicate on 11.07.2024 and resolved to challenge the said order before this Court. The said decision was taken by the Syndicate, after considering the legal opinion given by the Standing Counsel for the University. Based on the decision taken by the Syndicate, Ext.P11 University Order was passed on 12.7.2024 to that effect.

16. In the meantime, the then Vice-Chancellor, Sri. M.K.Jayaraj, demitted the office on 11.7.2024 on completion of his four years as Vice-



Chancellor and as per order dated 12.7.2024 passed by the Chancellor, Sri. P. Raveendran took charge as the Vice-Chancellor with effect from 5 p.m. on 12.7.2024. The new Vice-Chancellor decided to keep in abeyance, the implementation of Ext.P11 order and decided to seek a second legal opinion from a former Chief Justice of a High Court, as to the legality and propriety in challenging an order passed by the Chancellor in exercise of his statutory appellate jurisdiction, at the instance of the University.

17. The opinion received from the former Chief Justice was that, a challenge of the order passed by the Chancellor at the instance of the Syndicate or the other authorities of the University is not proper. The legal opinion of the former Chief Justice was considered by the Syndicate in the meeting held on 31.8.2024 and it was decided to reject the said opinion and to implement the earlier decision taken by the Syndicate in its meeting held on 11.7.2024. Accordingly, U.O No.14433/2024/Admn. dated 24.9.2024 was issued by the 3<sup>rd</sup> respondent University.

18. In the meantime, one of the members of the Syndicate, Sri. M.B. Faisal, filed WP(C)No.31672/2024, challenging Ext.P10 order and this Court passed an interim order on 13.9.2024, staying the implementation of Ext.P10 order. Thereafter, the Vice-Chancellor passed an order on 1.10.2024



nullifying the decision taken by the Syndicate on 31.8.2024 and based on the same, U.O. No.15051/2024/Admn. dated 3.10.2024 was issued. Challenging the said order, another member of the Syndicate, Sri. P.K. Khaleemudheen, filed WP(C)No.40998/2024. The University order passed on 24.9.2024 issued based on the decision issued by the Syndicate on 31.8.2024 is produced as Ext.P5 in WP(C) No.40998/2024 and the University Order dated 3.10.2024 nullifying Ext.P5, is produced as Ext.P8 in the said writ petition.

19. The 6<sup>th</sup> respondent filed a detailed counter affidavit in WP(C)No.31672/2024 in which, the maintainability of the writ petition itself was challenged. The said contention is raised on the ground that, the petitioner being only one of the members of the Syndicate, is not a person aggrieved by the order and hence he does not have the locus standi to challenge the impugned order. In the counter affidavit the 6<sup>th</sup> respondent also highlighted the impropriety in challenging an order passed by the Chancellor, at the instance of the Syndicate/University, as the Chancellor is the head of the University. Section 3 of the Calicut University Act was also relied on, which provides that, the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice Chancellor if any and the members of the Senate, the Syndicate and the Academic Council shall constitute a body corporate by



the name of the University of Calicut. Thus, it is contended that, since the Syndicate, being a part of body corporate in the name of University of Calicut, could not have raised a challenge against the order passed by the Chancellor, who, apart from being the Head of the University, is also forming part of the body corporate. Apart from the above, averments justifying the reasons based on which the Chancellor interfered in the Ext.P9 order were also incorporated.

20. A separate counter affidavit was filed by the 4<sup>th</sup> respondent University, practically supporting the contentions raised by the petitioner in the writ petition and also against the contents and findings of the order passed by the Chancellor. It was also contended that, the active role of the 6<sup>th</sup> respondent in the finalization of the tender and sanctioning of the amounts to the bidder were specifically found in Exts.P6 and P7 by the Division Bench of this Court.

21. In WP(C) No.40998/2024, the State Government submitted a counter affidavit explaining the circumstances under which, the proceedings were initiated against the 6<sup>th</sup> respondent and also about the orders passed as part of the said proceedings. The Vice Chancellor, the 4<sup>th</sup> respondent in the said writ petition, filed a separate counter affidavit justifying the actions



taken by him in keeping in abeyance, the implementation of the decision taken by the Syndicate to challenge the order passed by the Chancellor, acting upon the legal opinion obtained by him from a former Chief Justice of a High Court on the issue of propriety in raising a challenge at the instance of the Syndicate/University, against an order passed by the Chancellor of the University. The obligation of the Syndicate to implement the order passed by the Chancellor being the appellate authority, as provided under Statute 64 of Part III of Chapter 4 of Calicut University First Statute 1977 was also highlighted. The contentions regarding the impropriety in raising the challenge against the order passed by the Chancellor in the light of the stipulation in Section 3 of the Calicut University Act was also specifically raised. Thus, the Vice Chancellor sought the dismissal of the writ petition.

22. Heard Sri. T.B. Hood, the learned counsel for the petitioners in both the writ petitions, Sri.P. Sreekumar, the learned Senior Counsel appearing for the Chancellor of the University assisted by Sri. S. Prasanth, Sri. George Poonthottam, the learned Senior Counsel appearing for the 6<sup>th</sup> respondent in both the writ petitions, assisted by Sri. L. Navneeth Krishnan, Sri. P.C. Sasidharan, the learned Standing Counsel appearing for the Calicut University, Smt. M.A. Vaheeda Babu, the learned counsel for the



Vice-Chancellor, the 4<sup>th</sup> respondent in WP(C)No.40998 of 2024 and Smt. K.G. Sarojini, the learned Government Pleader for the 1<sup>st</sup> respondent in both the writ petitions.

23. Since the respondents have specifically raised the question of maintainability of the writ petitions at the instance of the petitioners herein in their capacity as the members of the Syndicate of the University, the said question will have to be decided before considering the other issues. This contention is raised by the respondents mainly on the ground that, according to the respondents 3,4 and 6, the petitioners do not have the locus standi to challenge the said orders, as they are not the aggrieved parties. As mentioned above, the impropriety in challenging the order passed by the Chancellor of the University in exercise of the statutory powers vested upon it under Chapter 51 and 52 of Part III of Chapter 4 Calicut University First Statute 1977, was also raised by the said respondents. It was also contended that, since Section 3 of the Calicut University Act provides that the various authorities and functionaries of the University, including the Chancellor and the Syndicate, are forming part of a body corporate having perpetual succession and common seal, it is not proper for one part of the said body corporate, to challenge the order passed by the another part of the



said body corporate, which also happened to be the Head of the University. The impropriety in such challenge by the Syndicate, being a quasi-judicial authority, which took a decision on disciplinary action on the employee, against the order passed by the appellate authority in exercise of the statutory powers vested upon such appellate authority, was also highlighted by the said respondents.

24. As against the contentions of the said respondents with regard to the maintainability of the said writ petitions, the specific case of the petitioners is that, they being the members of the Syndicate, are interested in the welfare of the University as a whole and in this case, the disciplinary proceedings were initiated against the 6<sup>th</sup> respondent by the Syndicate, based on the recommendations of the Financial (Inspection) Department of the State, on being satisfied about lapses and dereliction of duty on the part of the 6<sup>th</sup> respondent. It was also contended that, such disciplinary proceedings were initiated, after being satisfied about the fact that, the actions of the 6<sup>th</sup> respondent resulted in huge loss to the University to the tune of Rs.27,42,116/- and it is in the best interest of the University, to recover the same from the 6<sup>th</sup> respondent. It was further pointed out by the petitioners that, on realizing this obligation, although a decision was taken by the



Syndicate to challenge the illegal order passed by the Chancellor before this Court, such decision could not be implemented by the Syndicate, on account of the undue interference by the Vice-Chancellor, nullifying the decision taken by the Syndicate in this regard. Therefore, the petitioners, who have the responsibility to pursue the interests of the University being the members of the Syndicate, were compelled to submit the writ petitions to ensure that the culprit behind the loss sustained by the University, is adequately punished and the amount of loss is recovered from such person. Thus, it is contended by the petitioners that, they have every right to seek the reliefs sought for in these writ petitions, which are being pursued for the best interest of the University as a whole.

25. I have carefully gone through the records, considered the submissions made by the respective counsel and examined the statutory provisions relevant for the issues involved in these writ petitions. When examining the statutory provisions, it is to be noted that, Section 3 of the Calicut University Act, 1975 (hereinafter referred to an 'Act') explains “the University” and the said provision reads as follows:

**“The University.-** (1) *The Chancellor, the Pro-Chancellor, The Vice-Chancellor, the Pro-Vice Chancellor, if any, and the members of the Senate, the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the University of Calicut.*  
(2) *The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.”*



26. Section 7 of the Act deals with the Chancellor and his powers, which reads as follows:

**“The Chancellor.-**

- (1) *The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.*
- (2) *The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University*
- (3) *The Chancellor may, by order in writing, annul any proceeding of any of the authorities or officers of the University which is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws: Provided that, before making any such order, the chancellor shall call upon such authority or officer to show cause why such an order should not be made and consider the cause, if any, shown by such authority or officer within a reasonable time.*
- (4) *The Chancellor may, if he deems it necessary in the public interest or in the interest of the proper functioning of the University, suspend, dismiss or dissolve any authority of the University and-*
  - (a) *in the case of suspension, take measures for the interim administration of the University; and*
  - (b) *in the case of dismissal or dissolution, constitute such authority by nomination, or the interim administration of the University till such authority is reconstituted in accordance with the provisions of this Act: Provided that the nominated authority shall not in any case continue in office for a period exceeding one year."*
- (5) *Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.*
- (6) *An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.*
- (7) *An appeal under sub-section (6) shall be filed within sixty days from the date of service of the order of dismissal on the person concerned.*
- (8) *The chancellor shall, before passing any order on an appeal under sub-section (6), refer the matter for advice to a Tribunal appointed by him for the purpose.*
- (9) *The Chancellor shall have power to remove the Vice Chancellor or the Pro-vice-chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour: Provided that such charges are proved by an enquiry conducted by a person who is or has been a judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose: Provided further that the Vice-chancellor or the Pro-Vice-chancellor shall not be removed under this section unless he has been given a reasonable*



*opportunity of showing cause against the action proposed to be taken against him.*

*(10) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.”*

27. Section 16 deals with the authorities of the University, which reads as follows:

**“Authorities of the University.-** *The following shall be the authorities of the University, namely:-*

- (i) The Senate;*
- (ii) The Syndicate;*
- (iii) The Academic Council;*
- (iv) The Faculties;*
- (v) The Boards of Studies;*
- (vi) The Student’s Council;*
- (vii) The Finance Committee, and*
- (viii) such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.”*

28. Section 21 deals with the constitution of the Syndicate and Section 23 deals with the powers of the Syndicate. Section 23 reads as follows:

**“Powers of Syndicate:** *Subject to the provisions of the this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers; namely:-*

- (i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;*
- (ii) to make Ordinance and to amend or repeal the same;*
- (iii) to propose Statutes for the consideration of the Senate;*
- (iv) to hold, control and administer the properties and funds of the University;*
- (v) to direct the form, custody and use of the common seal of the University;*
- (vi) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose.*
- (vii) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;*
- (viii) to appoint teachers and other employees of the University and prescribe their duties;*
- (ix) to create administrative, ministerial and other necessary posts;*
- (x) to suspend discharge, dismiss or otherwise take any disciplinary action*



- against teachers and other employees of the University after giving them reasonable opportunity to defend their position;*
- (xi) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;*
  - (xii) to award fellowships, scholarships, studentships, bursaries, medals and prizes;*
  - (xiii) to exercise supervision and control over the residence and discipline of students;*
  - (xiv) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;*
  - (xv) to conduct University examinations and approve and publish the results thereof;*
  - (xvi) to appoint members to the Boards of Studies;*
  - (xvii) to approve panel of examiners and to fix their remuneration;*
  - (xviii) to approve the appointment of teachers in private colleges;*
  - (xix) to delegate any of its powers to the Vice-Chancellor to a committee appointed from among its members;*
  - (xx) to arrange for and direct the investigation into the affairs of private colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them, and in case of disregard of such instructions to modify the conditions of affiliation or recognition or take such other steps as it deems proper in that behalf;*
  - (xxi) to withhold or cancel the result of any candidate at any University examination;*
  - (xxii) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfers shall be reported to the Senate at its next meeting;*
  - (xxiii) to exercise the powers of the University under clause (xxvii) of section 5.*
  - (xxiv) to exercise such other powers and perform such other duties as may be prescribed by this Act, the Statutes, the Ordinances, the rules, the by-laws and the orders.”*

29. Part III of Chapter 4 of the Calicut University First Statutes, 1977, deals with the disciplinary procedure of the non-teaching staff. Statutes 31 to 49 deals with the disciplinary enquiry and its procedure. Statutes 52(b) provides that, as against an order imposing a penalty by the Vice Chancellor or the Syndicate, an appeal shall lie to the Chancellor. Statutes 63 deals with



the powers of the Appellate Authority which reads as follows:

**“Powers of an Appellate Authority.-**

*(1) In the case of an appeal against an order imposing any of the penalties specified in Statute 25 the appellate authority shall consider.-*

- (a) whether the facts on which the order was based have been established;*
- (b) whether the facts established afford sufficient grounds for taking action;*
- (c) whether the procedure prescribed in these Statutes have been complied with, and if not, whether such non-compliance has resulted in violation of any laws of the University or in failure of justice;*
- (d) whether the findings are justified; and*
- (e) whether the penalty imposed is excessive; adequate or inadequate; and pass orders-*
  - (i) setting aside, reducing, confirming or enhancing the penalty;*
  - (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case:*

*Provided that-*

- (i) The appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;*
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such an enhanced penalty; and*
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in items (v) to (viii) of Statute 25 and an inquiry under Statutes 32 to 44 has not already been held in the case the appellate authority shall, subject to the provisions of Statute, 49, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.*

*(2) In the case of an appeal against an order specified in Statute 53 the appellate authority shall consider all the circumstances of the*



*case and pass such orders as it may deem just and equitable.”*

30. Statute 64 provides that the authority which made the order appeal against shall give effect to the orders passed by the appellate authority.

31. Thus, the questions raised in these writ petitions, are to be considered in the light of the above factual and legal background. On analysing the statutory provisions as referred to above, it can be seen that, Section 3 specifically creates a body corporate, including the Chancellor and the members of the Syndicate along with the other functionaries and authorities of the University. The hierarchy contemplated under the Act and Statutes, in terms of exercise of powers, would clearly indicate that, as far as the Chancellor is concerned, he is the head of the Institution and is clothed with various superior powers including, (1) the power to nullify any decision passed by any authority of the University if it is found that, it is against the provisions of the Act and the Statutes, (2) to suspend, dismiss or dissolved any authority of the University and (3) to act as an appellate authority against the order of dismissal passed by the Syndicate or the Vice Chancellor against any person in service of the University. The above mentioned powers are specifically conferred upon the Chancellor as per Section 7 of the Act, whereas, when it comes to the question of appellate jurisdiction in the matter



of orders passed in disciplinary proceedings other than that of dismissal, such power is conferred upon him as per Statutes 52 and 53 of Part III of Chapter 4 of the Calicut University First Statutes.

32. In this case, evidently, Ext.P10 order was passed by the Chancellor, in exercise of the powers conferred upon him as per the statutory provisions referred to above. The examination of the above provisions would also indicate that the Chancellor, apart from being the head of the University, is also the appellate authority of the decisions taken by the Syndicate in the matter of disciplinary proceedings and thus he is an authority superior to Syndicate, in all respects. Apart from the above, both the Chancellor and the members of the Syndicate are forming part of the body corporate named the University of Calicut and they are the integral parts of such body corporate. Therefore, the question that arises for consideration is whether, is it proper for one component of the body corporate to raise a challenge against the order passed by the another component of the body corporate which is superior, unless such challenge is specifically authorized under the Act or the Statutes.

33. When considering the precedents on the point, one of the decisions relied on by the learned Senior Counsel appearing for the 6<sup>th</sup> respondent is



that of a Division Bench decision of this Court in **Administrator, Cosmopolitan Hospitals (P) Ltd, TVM v. Regional Provident Fund Commissioner, TVM and Another [2015(5) KHC 16]**. In the said decision, a Division Bench of this Court, considered the question as to the power of the Regional Provident Fund Commissioner to challenge the order passed by the Provident Fund Appellate Tribunal, by which, the order of Regional Provident Fund Commissioner was set aside. The writ petition filed by the Regional Provident Fund Commissioner and its maintainability was the subject matter in the above decision, and after elaborately considering the issue by placing reliance upon a large number of decisions, this Court clearly held that, the Regional Provident Fund Commissioner, being an adjudicating authority vested with quasi-judicial functions, is not empowered to raise a challenge against the order passed by the appellate Tribunal. While arriving at the said conclusion, this Court relied upon the decisions rendered by the Hon'ble Supreme Court in **Bhopal Sugar Industries Limited v. Income Tax Officer, Bhopal [AIR 1961 SC 182]**, **Union of India v. K.M. Sankarappa [(2001)1 SCC 582]** etc.

34. In **Mohtesham Mohd. Ismail v. Enforcement Directorate [(2007) 8 SCC 254]** the question considered by the Supreme Court was



whether a Special Director appointed under the Foreign Exchange Regulation Act, 1973 himself can prefer appeal under Section 54 of the said Act before the High Court, against an order passed by the Foreign Exchange Regulation Appellate Board. The Apex Court held as under:

*“16. An adjudicating authority exercises a quasi-judicial power and discharges judicial functions. When its order had been set aside by the Board, ordinarily in absence of any power to prefer an appeal, it could not do so. The reasonings of the High Court that he had general power, in our opinion, is fallacious. For the purpose of exercising the functions of the Central Government, the officer concerned must be specifically authorised. Only when an officer is so specifically authorised, he can act on behalf of the Central Government and not otherwise. Only because an officer has been appointed for the purpose of acting in terms of the provisions of the Act, the same would not by itself entitle an officer to discharge all or any of the functions of the Central Government. Even ordinarily a quasi-judicial authority cannot prefer an appeal being aggrieved by and dissatisfied with the judgment of the appellate authority whereby and whereunder its judgment has been set aside. An adjudicating authority, although an officer of the Central Government, should act as an impartial tribunal. An adjudicating authority, therefore, in absence of any power conferred upon it in this behalf by the Central Government, could not prefer any appeal against the order passed by the Appellate Board.”*

35. In **GRIDCO Ltd. v. Western Electricity Supply Co. of Orissa Ltd [(2024) 2 SCC 500]**, it was a batch of appeals, wherein, particularly in Civil Appeal No. 2674 of 2013, the Apex Court considered the issue whether the order issued by the Appellate Tribunal constituted under Section 110 of the Electricity Act, 2003 can be challenged by the Electricity



Regulatory Commission, under Section 82 of the Electricity Act,  
and thus observed;

*“31. There is one more aspect of the matter. As held by the Constitution Bench [PTC (India) Ltd. v. CERC, (2010) 4 SCC 603] , under Section 62, the Commission exercises quasi-judicial powers. There are appeals preferred by the Commission against the orders of the Appellate Tribunal in appeals under Section 111 of the Electricity Act. The Appellate Tribunal in appeals has dealt with the legality and validity of the decisions of the Commission rendered in the exercise of quasi-judicial power. In short, the Appellate Tribunal has tested the correctness of the orders of the Commission. The Commission is bound by the orders of the Appellate Tribunal. Therefore, we have serious doubt about the propriety and legality of the act of the Commission of preferring appeals against the orders of the Appellate Tribunal in appeal by which its own orders have been corrected. The Commission cannot be the aggrieved party except possibly in one appeal where the issue was about the non-compliance by the Commission of the orders of the Appellate Tribunal. If the Commission was exercising legislative functions, the position would have been different.”*

36. In **Admission Supervisory Committee for Medical Education in Kerala v. Karthik Dev [2026 (1) KLT 217]**, another Division Bench of this Court, held that the Admission Supervisory Committee, a statutory body constituted under the Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Act, 2017, cannot be treated as an aggrieved person entitled to maintain a writ appeal following the decision rendered in **Regional Provident Fund Commissioner (Supra)**, held thus;

*“18. Moreover, the beneficiary or the person adversely affected by the decision that would be taken by the Committee on a complaint would always be third parties and not the Committee, which has taken that decision. It is true that in the present writ petition, the appellant was arrayed as 2nd respondent. But that does not mean that the appellant has*



*a duty to see that the decision taken by it is sustained in a court of law. The appellant Committee is only a proper party to the writ petition. From the judgment of a Division Bench of this Court in Regional Provident Fund Commissioner (2016 (1) KLT SN 50 (C.No. 53) = 2015 (5) KHC 16), it is clear that an adjudicating authority cannot challenge the order passed by the higher authority under any circumstance, which otherwise would undermine the principle of judicial discipline. When the decision of the appellant is set aside in the writ petition, the appellant cannot be the aggrieved. It is the person or official respondents benefited by the aforesaid cancelled decision of the appellant can only be the aggrieved. The decision of the Committee can be supported or challenged by the person benefited or adversely affected by the said decision or by the official respondents who have a duty to see that the admissions are made in a fair and proper manner. If a quasi-judicial body statutorily empowered to take a decision in a dispute between third parties starts to challenge the adverse orders against the decision taken by it before the court of law, then it will create an anomalous situation that in all the cases wherein the decision of the quasi-judicial body were interfered by the Court, such quasi-judicial body or authorities will come up with appeals.”*

37. In a decision rendered by the Himachal Pradesh High Court in **State of H.P v. Vinod Gupta & Ors. [CWP No. 5554 of 2020]**, wherein proceedings were initiated by the District Collector/Deputy Commissioner against the Respondents under Section 118 of the The Himachal Pradesh Tenancy and Land Reforms Act, 1972 based on a complaint. In response, the Respondents filed an Appeal before the Divisional Commissioner, who allowed it, overturning the initial order. Dissatisfied with this decision, the State filed a Revision before the Financial Commissioner, who upheld the Divisional Commissioner's order. The State, represented by the District Collector, approached the High Court , wherein it was held ;

*“10. This is for the reason that unlike a complainant, a quasi-judicial authority has to act impartially and take a call on the lis which is before it and after the case stands decided by, it become functus officio. It neither*



*has the power to file an appeal nor review or revision etc., against its order. It is for the aggrieved party to assail the order and the authority which passes the order cannot be said to be an aggrieved party.*

*11. In fact, in the scheme of judicial discipline, once the order passed by the District Collector was assailed by way of an appeal and the Appellate Authority passed an order, the order passed by the District Collector merged in the order passed by the Appellate Authority and it became binding upon the District Collector. Similarly, when in Revision petition, learned Financial Commissioner finally decided the Revision petition, the order passed by the District Collector, as it stood merged in the order passed by the Divisional Commissioner and the subsequent order passed by the Divisional Commissioner now stood merged in the order that was passed by the Financial Commissioner. These extremely important aspects of the matter have not been appreciated by the District Collector while filing this writ petition before this Court on behalf of the State.”*

**38. In Assistant Provident Fund Commissioner v. West Coast Petroleum Agency and Others [2012(1) KLT 704]**, another Single Bench of this Court considered the very same question and found that the adjudicating authority cannot challenge the order passed by the Appellate Authority interfering with its order. Later, the decision rendered by the learned Single Bench was upheld by the Division Bench of this Court in **Assistant Provident Fund Commissioner v. West Coast Petroleum Agency and Others [WA.No. 813 of 2012]**. In the said Single Bench decision, the observations made by the Hon'ble Supreme Court in **Bhopal Sugar Industries Private Limited**



(supra) were relied on, which was to the effect that, when a subordinate authority in the hierarchy does not adhere to or abide by the decision of a superior authority, its action cannot be justified. Besides, the observations in **Cassel v. Broome [1972 AC 1027]** was also relied on, which reads as follows:

*“It Is inevitable in a hierarchal system of courts that there are decisions of the Supreme Appellate Tribunal which does not attract unanimous approval.....The judicial system works only if some one is allowed to have the last word.”*

*10. If the petitioners are permitted to assume a dual role, that would be permitting them to abandon the core principle of fair adjudication and judicial discipline. Such a course cannot be assented to.”*

After referring those decisions, it was clearly observed by this Court that, if a subordinate authority is to challenge the decision of a superior authority that would be an unwholesome state in areas of quasi-judicial function.

39. Moreover, certain observations made by the Hon'ble Supreme Court in **Bhopal Sugar Industries Private Limited** (supra) are also relevant while considering the competence of the Syndicate or the petitioners herein who are challenging the orders purportedly on behalf of Syndicate. The said observations are as follows:

*“Where the Income Tax Officer had virtually refused to carry out the clear and unambiguous directions which a superior tribunal like the Income Tax Appellate Tribunal had given to him by its final order in exercise of its appellate powers in respect of an order of assessment made by him, such refusal is in effect a denial of justice, and is further more destructive of one of the basic principles in the administration of justice based as it is on the hierarchy of Courts. In such a case a writ of*



*mandamus should issue ex debito justitiae to compel the Income Tax Officer to carry out the directions given to him by the Income Tax Appellate Tribunal. The High Court would be clearly in error if it refused to issue a writ on the ground that no manifest injustice had resulted from the order of the Income Tax Officer in view of the error committed by the Tribunal itself in its order. Such a view is destructive of one of the basic principles of the administration of justice.”*

40. In this case, there cannot be any doubt that, while issuing Ext.P9 order as part of the disciplinary proceedings against the 6<sup>th</sup> respondent, the Syndicate of the University was exercising the statutory powers conferred upon it under Section 23 of the Act by acting as a quasi-judicial authority. Statutes 52 and 53 specifically provides an appeal against such an order to the Chancellor who shall exercise his powers while considering the appeal, as contemplated under Statutes 63 of Part III of Chapter 4 of Calicut University First Statutes 1977. Statutes 64 creates an obligation upon the Syndicate, being the authority which passed the order appealed against, to give effect to the orders passed by the appellate authority. Thus, as observed by the Hon'ble Supreme Court in **Bhopal Sugar Industries'** case (supra), the Syndicate is under an obligation to give effect to the orders passed by the appellate authority. Therefore, raising a challenge against such an appellate order is not something envisaged under the provisions of the Act and Statutes framed thereunder. Moreover, as observed in the decisions referred to above, being an adjudicating authority, the Syndicate is not expected to



challenge the order passed by the superior authority in exercise of the statutory powers conferred upon such superior authority being the appellate authority of the Syndicate. Such a challenge or an attempt to challenge would be against the institutional hierarchy and the discipline, which are bound to be maintained in full adherence to the various provisions of the Act and the Statutes framed thereunder.

41. The said issue can be considered against the petitioners on a different reason as well. As rightly pointed out by the learned Senior Counsel for the 6<sup>th</sup> respondent, Section 3 of the Calicut University Act creates a body corporate inclusive of the Chancellor and the members of the Syndicate. Thus, both are integral parts of a body corporate as envisaged in the said provision and the scheme of the Act contemplates and confers various powers and functions to various parts of the said body corporate in different hierarchies. Therefore, each part of the said body corporate are bound to act in tandem for the common interest of the University and all the authorities are bound to respect the orders passed by each other, in exercise of the statutory powers vested upon such authorities. An interference in the orders passed by such authorities could be made by the other authority in different hierarchies, only if such interference or an attempt to interference is



authorized under the provisions of the Act, specifically. Any other conclusion on the issue would defeat the purpose of the concept of body corporate as envisaged under section 3 of the Calicut University Act and would be against the scheme of the Act. Even otherwise, permitting one authority under the Act, to challenge an order passed by the superior authority in the line of hierarchy, would be against the institutional discipline and if permitted, the concept of the body corporate and common seal contemplated under Section 3 of the Act would be defeated.

42. In the light of the aforesaid observations, the only irresistible conclusion possible is that, the Syndicate is not competent to take a decision to challenge the order of the Chancellor, being the Head of the Institution and the superior/appellate authority of the Syndicate, particularly in a case where, the order appealed against is relating to the disciplinary proceedings against an employee of the University.

43. Evidently, the petitioners have approached this Court, in their capacity as the members of the Syndicate and also that the Syndicate/ University was prevented from implementing its decision to challenge the order passed by the Chancellor .In other words, the challenge in these writ petitions are being made by the petitioners on behalf of the Syndicate



/University, as the said authority was deprived from raising such challenge, despite taking a decision to that effect. Since I have already found that, the Syndicate does not have the power to take a decision to challenge the order of the Chancellor, particularly when it is passed in a disciplinary proceedings of an employee, the question regarding the competence of the petitioners to challenge the same, which is coextensive with that of the Syndicate, can only be answered against the petitioners.

44. The above issue can be considered from yet another perspective as well. One of the basic requirements to maintain a writ petition under Art. 226 of the Constitution of India is that, the person approaching this Court must be a person aggrieved by the order under challenge. Therefore, the question that has to be considered in this regard is whether the petitioners in this writ petition are “aggrieved persons” so as to maintain a writ petition. As mentioned above, even according to the petitioners, they have approached this Court in their status of being the members of the Syndicate of the University and the Syndicate is prevented from challenging the order due to the acts of the Vice Chancellor. Black's Law Dictionary, (Sixth Ed. at page 65), “aggrieved” has been defined to mean "having suffered loss or injury; damnified; injured", “aggrieved” person has been defined to mean:



*"One whose legal right is invaded by an act complained of, or whose pecuniary interest is directly and adversely affected by a decree or judgment. One whose right of property may be established or divested. The word "aggrieved" refers to a substantial grievance, a denial of some personal, pecuniary or property right, or the imposition upon a party of a burden or obligation."* The qualifications requisite for attaining the status of an "aggrieved person" was examined by the Hon'ble Supreme Court in **Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed and Others [1976 (1) SCC 671]**. After elaborately considering the above principles, it was observed by the Hon'ble Supreme Court in paragraphs 37, 38 and 39 as follows:

*"37. It will be seen that in the context of locus standi to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories: (i) "person aggrieved"; (ii) "stranger"; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.*

*38. The distinction between the first and second categories of applicants, though real, is not always well-demarked. The first category has, as it were, two concentric zones; a solid central zone of certainty, and a grey outer circle of*



*lessening certainty in a sliding centrifugal scale, with an outermost nebulous fringe of uncertainty. Applicants falling within the central zone are those whose legal rights have been infringed. Such applicants undoubtedly stand in the category of “persons aggrieved”. In the grey outer circle the bounds which separate the first category from the second, intermix, interfuse and overlap increasingly in a centrifugal direction. All persons in this outer zone may not be “persons aggrieved”.*

*39. To distinguish such applicants from “strangers”, among them, some broad tests may be deduced from the conspectus made above. These tests are not absolute and ultimate. Their efficacy varies according to the circumstances of the case, including the statutory context in which the matter falls to be considered. These are: Whether the applicant is a person whose legal right has been infringed? Has he suffered a legal wrong or injury, in the sense, that his interest, recognised by law, has been prejudicially and directly affected by the act or omission of the authority, complained of? Is he a person who has suffered a legal grievance, a person*

*“against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something, or wrongfully affected his title to something?”*

*Has he a special and substantial grievance of his own beyond some grievance or inconvenience suffered by him in common with the rest of the public? Was he entitled to object and be heard by the authority before it took the impugned action? If so, was he prejudicially affected in the exercise of that right by the act of usurpation of jurisdiction on the part of the authority? Is the statute, in the context of which the scope of the words “person aggrieved” is being considered, a social welfare measure designed to lay down ethical or professional standards of conduct for the community? Or is it a statute dealing with private rights of particular individuals?”*

**45. In *Maharaj Singh v. State of U.P.*, [(1977) 1 SCC**

**155], it was observed by the Hon’ble Apex Court as ;**

*“21. In this wider perspective, who is a “person aggrieved”? Dabholkar [M.V. Dabholkar v. State of Maharashtra, (1975) 2 SCC 702 : (1976) 1 SCR 306] gives the updated answer:*



*“The test is whether the words ‘person aggrieved’ include ‘a person who has a genuine grievance because an order has been made which prejudicially affects his interests’, (p. 315) American jurisprudence has recognised, for instance, the expanding importance of consumer protection in the economic system and permitted consumer organisations to initiate or intervene in actions, although by the narrow rule of ‘locus standi’, such a course could not have been justified (see p. 807 — New York University Law Review, Vol. 46, 1971). In fact, citizen organisations have recently been campaigning for using legal actions for protection of community interest, broadening the scope of “standing” in legal proceedings (see p. 403 — Boston University Law Review, Vol. 51, 1971).”*

*In the well-known case of Attorney-General of the Gambia v. Peirre Sarr N.'Jie [1961 AC 617] Lord Denning observed about the Attorney-General's standing thus:*

*“... The words ‘person aggrieved’ are of wide import and should not be subjected to a restrictive interpretation. They do not include, of course, a mere busybody who is interfering in things which do not concern him; but they do include a person who has a genuine grievance because an order has been made which prejudicially affects his interest.” (pp. 324-325).”*

46. After applying the test referred above in the facts and circumstances of **Jasbhai Motibhai Desai (supra)** , it was observed by the Hon'ble Supreme Court that *“While a Procrustean approach should be avoided, as a rule, the Court should not interfere at the instance of a 'stranger' unless there are exceptional circumstances involving a grave miscarriage of justice having an adverse impact on public interests”*

47. Thus, from the observations above, it is evident that, the writ petition can be maintained only by the persons aggrieved and the status of the



petitioner as a person aggrieved has to be determined by applying the tests referred to above. When the issue at hand is considered in that perspective, I am of the view that the petitioners cannot be treated as persons aggrieved, as they are neither affected individually by the said decision nor their individual legal rights have been violated. This proposition has been laid down by the Apex Court in a catena of decisions including **Ayaaubkhan Noorkhan Pathan v. State of Maharashtra, [(2013) 4 SCC 465]**, wherein it was observed as follows;

*“9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can, of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that the relief prayed for must be one to enforce a legal right. In fact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. [Vide State of Orissa v. Madan Gopal Rungta [1951 SCC 1024 : AIR 1952 SC 12] , Saghir Ahmad v. State of U.P. [AIR 1954 SC 728] , Calcutta Gas Co. (Proprietary) Ltd. v. State of W.B. [AIR 1962 SC 1044] , Rajendra Singh v. State of M.P. [(1996) 5 SCC 460 : AIR 1996 SC 2736] and Tamilnad Mercantile Bank Shareholders Welfare Assn. (2) v. S.C. Sekar [(2009) 2 SCC 784] .]*



23. Thus, from the above it is evident that under ordinary circumstances, a third person, having no concern with the case at hand, cannot claim to have any locus standi to raise any grievance whatsoever. However, in exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, inarticulation or poverty, are unable to approach the court, and a person, who has no personal agenda, or object, in relation to which, he can grind his own axe, approaches the court, then the court may examine the issue and in exceptional circumstances, even if his bona fides are doubted, but the issue raised by him, in the opinion of the court, requires consideration, the court may proceed suo motu, in such respect.”

48. In **Vinoy Kumar v. State of U.P., [(2001) 4 SCC 734]**, held thus;

“2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the Constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries are caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.”

49. In this regard, what the petitioners want by filing these writ petitions is that, a challenge is made against the order passed by the Chancellor and thereby the original decision taken by the Syndicate as evidenced by Ext.P9 is implemented. However, as far as Ext.P9 decision is concerned, the same is



passed by the Syndicate in exercise of statutory functions and powers, being an adjudicating authority. The very same statute that confers such powers upon the Syndicate, provided appellate powers upon the Chancellor, to interfere with the order passed by the Syndicate. Thus, when an appellate authority passes an order interfering with the order passed by the Syndicate, the Syndicate is bound by such decision and under no circumstances the Syndicate can have any grievance with respect to the order passed by the superior authority. Once the order is passed by the Syndicate, it becomes a *functus officio* and further developments in the matter including the appellate order passed by the superior authority cannot be treated as something which can create a grievance for the Syndicate in the matter. In **Orissa Administrative Tribunal Bar Assn. v. Union of India, [(2023) 18 SCC 1 104]**, an interpretation of the term ‘*functus officio*’ was laid down as ;

*“ 104. P. Ramanatha Aiyar's The Law Lexicon (1997 Edn.) defines the term functus officio as:*

*“A term applied to something which once has had a life and power, but which has become of no virtue whatsoever ... One who has fulfilled his office or is out of office; an authority who has performed the act authorised so that the authority is exhausted.”*

*105. Black's Law Dictionary (5th Edn.) defines the term as follows:*

*“Having fulfilled the function, discharged the office, or accomplished the purpose, and therefore of no further force or authority. ... an instrument, power, agency, etc. which has fulfilled the purpose of its creation, and is therefore of no further virtue or effect.”*

*106. The doctrine of functus officio gives effect to the principle of finality. Once a Judge or a quasi-judicial authority has rendered a decision, it is not open to her to revisit the decision and amend, correct, clarify, or reverse it*



*(except in the exercise of the power of review, conferred by law). Once a judicial or quasi-judicial decision attains finality, it is subject to change only in proceedings before the appellate court.*

50. It is to be noted that, neither the Syndicate nor its members have a vested right to ensure that, the orders passed by the Syndicate are not interfered with by a competent authority in exercise of statutory powers. Therefore, under no circumstances, an interference by such a competent authority can cause any grievance upon the Syndicate touching upon the matters dealt with in the order. On the contrary, the Syndicate is under an obligation as per statute 64 of Part III of Chapter 4 of Calicut University First Statutes 1977, to implement the decision of the appellate authority. Therefore, it is the duty of the Syndicate and its members to ensure that the appellate order passed is implemented without any delay.

51. However, even while I am holding that, the Syndicate is not supposed to challenge the order passed by the Chancellor, I am not intending to laid down the said proposition as an absolute rule. This is because, when the order sought to be challenged is patently illegal or was passed with evident bias, by ignoring the basic principles of law or completely contrary to the statutory provisions, in such cases, an exception has to be drawn to enable the competent authority of the University which are bound to protect the interests of the University as a whole, to raise a challenge against such



orders, by invoking the legal remedies available. Such exceptions are to be provided, in view of the fact that, recent developments in the matter relating to the administration of Universities in the Country, would clearly make out the cases that are arising from conflict between the individual or political ideologies of the person/persons holding such authorities in the Universities, rather than disputes arising in the pursuit of attempting to ensure the welfare of the University as whole. Therefore, in exceptional cases where the order is patently illegal or passed in utter disregard to the legal principles and the statutory provisions governing the field, thereby affecting the interests of the University and the beneficiaries thereof, certainly it would be competent to the authorities concerned to step in, to address such situations.

52. The above view taken by this Court is fortified by the observations made by the Hon'ble Supreme Court in **Vinoy Kumar v. State of U.P., [(2001) 4 SCC 734]** **Chairman, Railway Board v. Chandrima Das [(2000) 2 SCC 465]** and in **Jasbhai Motibhai Desai's** case (supra), where it was observed that, the court should not interfere at the instance of a stranger unless there are exceptional circumstances involving a grave miscarriage of justice having an adverse impact on public interest.

53. In the light of the above, I have carefully scrutinized Ext.P10 order



passed by the Chancellor, to find out whether, the said order falls within the category of exceptional circumstances referred to above. While considering Ext.P10 order in that perspective, it can be seen that, the order was passed by the Chancellor apparently after examining the records and it is a detailed order supported by reasons. It is also evident from the records that, all the affected parties were heard before passing the said order and there is no case for any of the parties that there are violation of principles of natural justice. There is also no dispute with regard to the fact that, Ext.P10 order was passed by the Chancellor in exercise of the statutory powers vested upon him as per the relevant provisions and there is no case that while passing the said order, the Chancellor had gone beyond its jurisdiction. Being the appellate authority, the Chancellor was competent to appreciate/reappreciate the evidence and the factual circumstances relating thereto, for the purpose of taking a decision on the issues. Thus, the order was passed in exercise of powers admittedly, but the challenge is sought to be raised, on the reason that the findings and observations are erroneous. Thus, the powers of the judicial review of this Court under Art. 226 of the Constitution of India are called for in these writ petitions.

54. When considering the scope of judicial review, particularly in the



matter of a departmental enquiry, it is to be held that, it is confined to the evaluation of the decision making process and such process of judicial review cannot be converted into an appellate proceedings ,as enunciated in **Nagendra Nath Bora v. Commr. of Hills Division, [AIR 1958 SC 398]**, held thus;

*“28. The High Court, in its several judgments and orders, has scrutinized, in great detail, the orders passed by the Excise Authorities under the Act. We have not thought it fit to examine the record or the orders below in any detail, because, in our opinion, it is not the function of the High Court or of this Court to do so. The jurisdiction under Article 226 of the Constitution is limited to seeing that the judicial or quasi-judicial tribunals or administrative bodies exercising quasi-judicial powers, do not exercise their powers in excess of their statutory jurisdiction, but correctly administer the law within the ambit of the statute creating them or entrusting those functions to them. The Act has created its own hierarchy of officers and Appellate authorities, as indicated above, to administer the law. So long as those Authorities function within the letter and spirit of the law, the High Court has no concern with the manner in which those powers have been exercised. In the instant cases, the High Court appears to have gone beyond the limits of its powers under Articles 226 and 227 of the Constitution.”*

In other words, the scope of judicial review in such matters is only to correct the manifest errors of law or procedure of the decision making process and it is not intended to examine the correctness of the decision taken by the authority concerned, by appreciating the factual aspects of the matter as laid down in **Mukesh Kumar Raigar v. Union of India[(2023) 11 SCC 159]**,**Om Kumar v. Union of India [(2001) 2 SCC 386]** , **State of A.P. v. Sree Rama Rao, [1963 SCC OnLine SC 6]**, **State of A.P. v. Chitra Venkata Rao [(1975) 2 SCC 557]** , **R.K. Jain v. Union of India [(1993) 4**



**SCC 119] , SBI v. Ram Lal Bhaskar [(2011) 10 SCC 249], Union of India v. K.G. Soni [(2006) 6 SCC 794], High Court of Judicature at Bombay v. Shashikant S. Patil, [(2000) 1 SCC 416]. In BC Chaturvedi v. Union of India [(1995) 6 SCC 749 Para 12.], it was observed by the Hon'ble Supreme Court as follows:**

*“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.*

*13. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappreciate the evidence or the nature of punishment. In a disciplinary inquiry, the strict proof of legal evidence and findings on that evidence are not relevant. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. In Union of India v. H.C. Goel [(1964) 4 SCR 718 : AIR 1964 SC 364 : (1964) 1 LLJ 38] this Court held at p. 728*



*that if the conclusion, upon consideration of the evidence reached by the disciplinary authority, is perverse or suffers from patent error on the face of the record or based on no evidence at all, a writ of certiorari could be issued.”*

55. After referring to the aforesaid observations, the Hon'ble Supreme Court in **Pravin Kumar v. Union of India and Others [2020(9) SCC 471]**, it was observed in paragraph 28 as follows:

*“28. It is thus well settled that the constitutional courts while exercising their powers of judicial review would not assume the role of an appellate authority. Their jurisdiction is circumscribed by limits of correcting errors of law, procedural errors leading to manifest injustice or violation of principles of natural justice. Put differently, judicial review is not analogous to venturing into the merits of a case like an appellate authority.”*

56. In **Union of India v. P. Gunasekaran, (2015) 2 SCC 610**, held thus;

*12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, reappreciating even the evidence before the enquiry officer. The finding on Charge I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Articles 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence. The High Court can only see whether:*

- (a) the enquiry is held by a competent authority;*
- (b) the enquiry is held according to the procedure prescribed in that behalf;*
- (c) there is violation of the principles of natural justice in conducting the proceedings;*
- (d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*
- (e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*



*(f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*

*(g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;*

*(h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*

*(i) the finding of fact is based on no evidence.*

57. Similarly in **SBI v. Ajai Kumar Srivastava [(2021) 2 SCC 612]** , it

was observed as ;

*“24. It is thus settled that the power of judicial review, of the constitutional courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The court/tribunal may interfere in the proceedings held against the delinquent if it is, in any manner, inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached or where the conclusions upon consideration of the evidence reached by the disciplinary authority are perverse or suffer from patent error on the face of record or based on no evidence at all, a writ of certiorari could be issued. To sum up, the scope of judicial review cannot be extended to the examination of correctness or reasonableness of a decision of authority as a matter of fact.*

25. xxx xxxx xxx xxx xxx xxxx xxxx

26. xxxx xxxx xxxx xxx xxx xxxxx

28. *The constitutional court while exercising its jurisdiction of judicial review under Article 226 or Article 136 of the Constitution would not interfere with the findings of fact arrived at in the departmental enquiry proceedings except in a case of mala fides or perversity i.e. where there is no evidence to support a finding or where a finding is such that no man acting reasonably and with objectivity could have*



*arrived at those findings and so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.”*

58. While applying the aforesaid principles, in considering the challenge against Ext.P10 order, I do not find any scope for interference on the same as well. All the contentions raised by the petitioners while challenging the impugned orders are touching upon the factual matters of the enquiry, borne out from the documentary as well as oral evidence adduced by the parties during the course of enquiry; such factual aspects cannot be looked into by this Court for issuing a writ of Certiorari to quash an error of fact. This view is fortified in **Nagendra Nath Bora (Supra)**;

*“24. It is clear from an examination of the authorities of this Court as also of the courts in England, that one of the grounds on which the jurisdiction of the High Court on certiorari may be invoked, is an error of law apparent on the face of the record and not every error either of law or fact, which can be corrected by a superior court, in exercise of its statutory powers as a court of appeal or revision.*

*25. So far as we know, it has never been contended before this Court that an error of fact, even though apparent on the face of the record, could be a ground for interference by the court exercising its writ jurisdiction. No ruling was brought to our notice in support of the proposition that the court exercising its powers under Article 226 of the Constitution, could quash an order of an inferior tribunal, on the ground of a mistake of fact apparent on the face of the record.*

*26. But the question still remains as to what is the legal import of the expression ‘error of law apparent on the face of the record’. Is it every error of law that can attract the supervisory jurisdiction of the High Court, to quash the order impugned? This court, as observed above, has settled the law in this respect by laying down that in order to attract such jurisdiction, it is essential that the error should be*

*something more than a mere error of law; that it must be one which is manifest on the face of the record. In this respect, the law in India and*



*the law in England, are, therefore, the same. It is also clear, on an examination of all the authorities of this Court and of those in England, referred to above, as also those considered in the several judgments of this Court, that the common-law writ, now called order of certiorari, which was also adopted by our Constitution, is not meant to take the place of an appeal where the statute does not confer a right of appeal. Its purpose is only to determine, on an examination of the record, whether the inferior tribunal has exceeded its jurisdiction or has not proceeded in accordance with the essential requirements of the law which it was meant to administer. Mere formal or technical errors, even though of law, will not be sufficient to attract this extraordinary jurisdiction.”*

59. Of course, the learned counsel for the petitioners and the Standing Counsel for the University relied on the observations made by the Division bench of this court in Ext P6 and P7 judgment/order with regard to the involvement of the 6<sup>th</sup> respondent. However, the said observations cannot be relied on to substantiate the challenge against the impugned order, in view of the fact that, those were only prima facie opinion expressed by this court, at the stage of pre-enquiry. As far as the order passed by the Chancellor is concerned, the same was passed, after completing the enquiry, in which, all the materials relevant, are brought out and the decision was taken, after examining those aspects, whereas, the observations in Ext P6 and P7 are based on the allegations raised against the 6<sup>th</sup> respondent, in the notices issued as part of the enquiry.

60. Thus, in the light of the legal principles discussed above, it is not possible for this Court to consider such a challenge under Article 226 of the



Constitution of India. Thus, the only conclusion possible is that, since there is no illegality in the procedure adopted by the Chancellor in the decision making process while passing Ext.P10 order, it is not for this Court to sit in appeal against the factual decisions taken by the said authority. Therefore, I find that, the order passed by the Chancellor in this case is not something that falls in the exceptional circumstances referred to above, so as to hold that, a challenge can be entertained against the same at the instance of one of the components of body corporate of the Calicut University as envisaged in Section 3 of the Calicut University Act, 1975.

61. In WP(C) No.40998/2024, several questions have been raised by the petitioner with regard to the competence of the Vice Chancellor to interfere with the decision taken by the Syndicate by nullifying the University orders passed based on such decision on Syndicate. Although, prima facie I find that such interference at the instance of the Vice Chancellor was beyond his powers, as he is only one of the members of the Syndicate, without any specific power to overrule the Syndicate, I do not intend to go deeper in the said question. This is in view of the fact that, I have already held that the Syndicate /University is not competent to challenge the order passed by the Chancellor, particularly in a disciplinary



proceedings, except under the exceptional circumstances referred to above. Even in WP(C) No.40998/2024, although the challenge is only against the order passed by the Vice Chancellor, the ultimate object is to ensure that, the order passed by the Chancellor is challenged by invoking the legal remedies available. Therefore, in the light of the finding that, no challenge against the order of Chancellor is sustainable, I do not find any practical purpose in answering the questions regarding the powers of the Vice Chancellor on the above issues, as the same has become mere academical.

62. However, even while arriving at the above conclusion, this court is of the view that, the case records reveal a strong case of abuse of power that resulted in huge loss to the University. The huge difference in the amounts spent by the University for consumables in the work awarded in 2013 and the present bid, is a factor which clearly pointing out to this. On carefully examining the contentions of the parties, it can be seen that, they are blaming each other for the loss, although it appears that, as regard as the loss sustained, there is no dispute. It is discernible from the records that a Vigilance investigation has been initiated and it is pending. Since there are apparent irregularities in the amount disbursed, it is in the interest of the University that a proper investigation is carried out, culprits behind the same



are identified and punished adequately. It should also to be ensured that the loss sustained by the University is to be recovered. Therefore, the 1<sup>st</sup> respondent and the University shall ensure that a proper investigation in the matter is carried out by the Vigilance Department, and appropriate measures to recover the amount and to punish the culprits, are taken.

In such circumstances, I do not find any scope for interference in the orders impugned and accordingly these writ petitions are dismissed, with the above observations and directions.

**Sd/-**  
**ZIYAD RAHMAN A.A.**  
**JUDGE**

pkk

APPENDIX OF WP(C) NO. 31672 OF 2024

## PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE TENDER NOTICE DATED 04.06.2013 ISSUED BY THE 4TH RESPONDENT UNIVERSITY
- EXHIBIT P2 TRUE COPY OF THE ORDER DATED 17.07.2013 ISSUED BY THE 4TH RESPONDENT UNIVERSITY ACCORDING SANCTION FOR ENTERING INTO RATE CONTRACT WITH M/S.NET LINKS BUSINESS CONSULTANTS INDIA (P) LIMITED, COCHIN
- EXHIBIT P3 TRUE COPY OF THE RE-TENDER NOTICE DATED 19.09.2014 ISSUED BY THE 4TH RESPONDENT UNIVERSITY
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 29.12.2014 ISSUED BY THE 4TH RESPONDENT UNIVERSITY ACCORDING SANCTION FOR ENTERING INTO RATE CONTRACT WITH M/S. AVIKA TECHNOLOGIES PRIVATE LIMITED, CHENNAI
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 02.12.2021 IN WRIT PETITION (C) NO.10366/2021 OF THIS HON'BLE COURT
- EXHIBIT P6 TRUE COPY OF THE JUDGMENT DATED 07.07.2022 IN WRIT APPEAL NO.130/2022 OF THIS HON'BLE COURT
- EXHIBIT P7 TRUE COPY OF THE ORDER DATED 03.08.2022 IN R.P. NO.692/2022 IN WRIT APPEAL NO.130/2022 OF THIS HON'BLE COURT
- EXHIBIT P8 TRUE COPY OF THE REPORT DATED 10.08.2022 OF ENQUIRY COMMITTEE OF THE UNIVERSITY (WITHOUT EXHIBITS)
- EXHIBIT P9 TRUE COPY OF U.O.NO.17381/2022/ADMN DATED 13.09.2022 ISSUED BY THE 4TH RESPONDENT UNIVERSITY
- EXHIBIT P10 TRUE COPY OF THE ORDER DATED 27.06.2024 ISSUED BY THE 3RD RESPONDENT CHANCELLOR
- EXHIBIT P11 TRUE COPY OF U.O.NO.11134/2024/ADMN DATED 12.07.2024 ISSUED BY THE 4TH RESPONDENT UNIVERSITY

## RESPONDENT EXHIBITS

- EXHIBIT-R6 (B) TRUE COPY OF THE NOTICE NO.12831/PURCHASE-ASST-A1/2013/CU DATED 08.08.2014 ISSUED BY THE UNIVERSITY
- EXHIBIT-R6 (A) TRUE COPY OF THE JUDGMENT IN KOSHY V.



CHANCELLOR REPORTED IN 1979 KLT 555

EXHIBIT-R6 (C) TRUE COPY OF THE NOTE FILE BEARING FILE NO. 12831/PURCHASE-ASST-A1/2013/CU DATED NIL PERTAINING TO THE AWARDING OF THE TENDER

EXHIBIT-R6 (D) TRUE COPY OF THE RELEVANT PORTION OF THE REPORT OF THE ACCOUNTANT GENERAL DATED 29.10.2019

EXHIBIT-R6 (F) TRUE COPY OF THE NOTICE DATED 15.5.2020 ISSUED BY THE ACCOUNTANT GENERAL

EXHIBIT-R6 (H) TRUE COPY OF THE COMMUNICATION DATED 22.10.2020 ISSUED BY THE ACCOUNTANT GENERAL

EXHIBIT-R6 (I) TRUE COPY OF THE NOTICE DATED 3.12.2019 ISSUED BY THE GOVERNMENT.

EXHIBIT-R6 (J) TRUE COPY OF THE REPLY NO. 2386/20/USIC-ASST-2/2019/ADMN DATED 28.12.2019 ISSUED BY THE PETITIONER.

EXHIBIT-R6 (O) TRUE COPY OF THE PROCEEDINGS DATED 11.9.2024 ISSUED BY THE VICE CHANCELLOR

EXHIBIT-R6 (Q) TRUE COPY OF THE UNIVERSITY ORDER BEARING UO NO. 15051/2024/ADMN DATED 3.10.2024

EXHIBIT-R6 (G) TRUE COPY OF THE REPLY NO.41737/FIN-AUDIT2/2018/ FIN DATED 29.07.2020 ISSUED BY THE UNIVERSITY

EXHIBIT-R6 (K) TRUE COPY OF THE REPORT DATED 8.6.2020 SUBMITTED BY THE GOVERNMENT.

EXHIBIT-R6 (L) TRUE COPY OF THE ARGUMENT NOTE DATED 26.7.2022

EXHIBIT-R6 (E) TRUE COPY OF THE REPLY DATED 15.2.2020 ISSUED BY THE RESPONDENT UNIVERSITY.

EXHIBIT-R6 (M) TRUE COPY OF THE REQUEST DATED 31.8.2022 SUBMITTED BEFORE THE REGISTRAR.

EXHIBIT-R6 (N) TRUE COPY OF THE APPEAL DATED 23.9.2022 FILED BEFORE THE HONOURABLE CHANCELLOR.

EXHIBIT-R6 (P) TRUE COPY OF THE UNIVERSITY ORDER UO NO. 14433/2024/ADMN DATED 24.9.2024.

EXHIBIT R4 (B) A TRUE COPY OF THE DOCUMENT DATED 18-03-2015

EXHIBIT R4 (C) A TRUE COPY OF THE REVIEW PETITION NO. 692 OF 2022 FILED BY THE 6TH RESPONDENT

EXHIBIT R4 (D) A TRUE COPY OF THE JUDGMENT IN REVIEW PETITION NO 692 OF 2022 DATED 03-08-2022

EXHIBIT R4 (E) A TRUE COPY OF THE RELEVANT PAGES OF AUDIT REPORT

EXHIBIT R4 (F) A TRUE COPY OF THE ORDER U.O.NO. 17588/2019/ADMN DATED 17/12/2019 OF THE



2025:KER:99000

WP(C) No.31672 & 40998 of 2024

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REGISTRAR INTIMATING THE SANCTION TO  
REGISTER THE CASE  
EXHIBIT R4 (A) THE TRUE COPY OF THE DOCUMENT HAVING UO  
NO.12408/2014 ADMN DATED 29/12/2014

APPENDIX OF WP(C) NO. 40998 OF 2024

## PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE REPORT DATED 10.08.2022 OF ENQUIRY COMMITTEE OF THE 3RD RESPONDENT UNIVERSITY (WITHOUT EXHIBITS)
- EXHIBIT P2 TRUE COPY OF U.O.NO.17381/2022/ADMN DATED 13.09.2022 ISSUED BY THE 3RD RESPONDENT UNIVERSITY
- EXHIBIT P3 TRUE COPY OF THE ORDER DATED 27.06.2024 ISSUED BY THE 2ND RESPONDENT CHANCELLOR
- EXHIBIT P4 TRUE COPY OF U.O.NO.11134/2024/ADMN DATED 12.07.2024 ISSUED BY THE 3RD RESPONDENT UNIVERSITY
- EXHIBIT P5 TRUE COPY OF U.O.NO.14433/2024/ADMN DATED 24.09.2024 ISSUED BY THE 3RD RESPONDENT UNIVERSITY
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 13.09.2024 OF THIS HON'BLE COURT IN WRIT PETITION (C) NO.31672/2024
- EXHIBIT P7 TRUE COPY OF THE PROCEEDINGS DATED 11.09.2024 OF THE 4TH RESPONDENT VICE CHANCELLOR
- EXHIBIT P8 TRUE COPY OF U.O.NO.15051/2024/ADMN DATED 03.10.2024 ISSUED BY THE 3RD RESPONDENT UNIVERSITY

## RESPONDENT EXHIBITS

- EXHIBIT R4 (A) A TRUE COPY OF THE LETTER DATED 12/07/2024 RECEIVED FROM ONE OF THE SYNDICATE MEMBER, DR RASHEED AHAMMED,
- EXHIBIT R4 (B) A TRUE COPY OF THE FILE NOTE DATED 12/07/2024 OF THE 4TH RESPONDENT DIRECTING TO KEEP IN ABEYANCE FURTHER PROCEEDINGS IN THE MATTER
- EXHIBIT R4 (C) A TRUE COPY OF THE MINUTES OF THE MEETING OF THE SYNDICATE DATED 31/08/2024
- EXHIBIT R4 (D) A TRUE COPY OF THE MAIL DATED 11/09/2024 SENDING EXHIBIT P7 TO THE REGISTRAR OF THE UNIVERSITY
- EXHIBIT R4 (E) A TRUE COPY OF THE LETTER DATED 11/09/2024 SENDING EXHIBIT P7 TO THE OFFICE OF THE 2ND RESPONDENT
- EXHIBIT R4 (F) A TRUE COPY OF THE NOTE DATED 13/09/2024 ISSUED BY THIS RESPONDENT TO THE REGISTRAR



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WP(C) No.31672 & 40998 of 2024

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OF THE UNIVERSITY, DIRECTING TO REPORT THE  
MATTER URGENTLY REGARDING WP(C) NO.  
31672/2024

EXHIBIT R4(G)

A TRUE COPY OF THE MAIL DATED 24/09/2024  
FROM THE REGISTRAR OF THE UNIVERSITY WITH  
RELEVANT ATTACHMENT, TO THE STANDING  
COUNSEL,