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WP(PIL) NO. 90 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2026 / 25TH BHADRA,

1948

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PETITIONER/S:

DR. V. MADHU
AGED 57 YEARS
MEMBER, BOARD OF STUDIES IN THE INTEGRATED M.SC.,
PROGRAMME IN ENVIRONMENTAL SCIENCE AND MEMBER,
BOARD OF STUDIES IN THE INTEGRATED M.SC.,
PROGRAMME IN ENVIRONMENTAL SCIENCE AND
TECHNOLOGY, FACULTY OF ENVIRONMENTAL STUDIES,
SCHOOL OF ENVIRONMENTAL SCIENCES , CUSAT, COCHIN
UNIVERSITY P.O, KOCHI-682022

BY ADV DR. V. MADHU(PARTY-IN-PERSON)

RESPONDENT/S:

- 1 THE CHANCELLOR OF CUSAT
COCHIN UNIVERSITY PO , ERNAKULAM DISTRICT ,
KALAMASSERRY , KERALA, KOCHI, PIN - 682022
- 2 THE VICE-CHANCELLOR (I/C)
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
KALAMASSEERRY, COCHIN UNIVERSITY P.O, KOCHI,
ERNAKULAM, PIN - 682022



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- 3 **THE PRINCIPAL SECRETARY
TO THE GOVERNMENT OF KERALA, HIGHER EDUCATION
DEPARTMENT, THIRUVANANTHAPURAM, PIN - 695001**
- 4 **THE REGISTRAR
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
COCHIN UNIVERSITY, P.O., ERNAKULAM DISTRICT, PIN
- 682022**
- 5 **THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
AND THE SYNDICATE REPRESENTED BY ITS REGISTRAR
, COCHIN UNIVERSITY P.O., ERNAKULAM, KOCHI, PIN -
682022**
- 6 **DR. SASIGOPAPALAN
PROFESSOR, DEPARTMENT OF MATHEMATICS, SENATE AND
SYNDICATE MEMBER OF COCHIN UNIVERSITY OF SCIENCE
AND TECHNOLOGY. COCHIN UNIVERSITY P. O,
ERNAKULAM, KOCHI, PIN - 682022**

**BY ADV SMT.KAVYA VARMA M.M., SC, COCHIN
UNIVERSITY OF SCIENCE AND TECHNOLOGY - CUSAT**

**THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)
HAVING COME UP FOR ADMISSION ON 16.09.2026, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**



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JUDGMENT**Dated this the 16th day of September 2026****SOUMEN SEN, C.J.**

Heard Dr. V. Madhu, the Party-in-Person and Ms. Kavya Varma M.M., learned Standing Counsel for the Cochin University of Science and Technology.

2. This petition is filed in the nature of a Public Interest Litigation, seeking a writ of quo warranto and quashing the appointment of respondent No. 6. In our interim order dated 1st April 2026, relying upon the decision of the Division Bench of the Allahabad High Court in *Dr. Neetu Singh v. State of U.P., Thru. Secretary, Medical Health and Others*¹, it was held that the post of Professor at KGMU cannot be held to be a public office merely because the University is imparting education and is a statutory body enacted under the Act of 2002. The office of Professor does not seem to involve an obligation of any of the sovereign functions of the Government, either executive or legislative or

1 2019 SCC Online AII 5871



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judicial, for public benefit, and it cannot be said that the public in general is interested and non-observance of the obligations of employment of the Professor, in any event, affects the interest of the public at large and even if it would affect, the same shall be too remote so as to make the office of the Professor a public office.

3. We have also, in our judgment in *G. Sasidharan v. State of Kerala and Others*², discussed the criteria to be considered for issuing a writ of quo warranto, which *inter alia* include that the office must have a public nature; the office must have been created by charter, statute or constitution; the office must be of a substantive character; and the holder must have been in actual occupation of the office.

4. The dispute is essentially a private dispute between the petitioner and the 6th respondent. The petitioner has been teaching in the same institution since 2006, while the 6th respondent was appointed as Professor on 7th August 2019, with effect from 24th July 2019. The petitioner had the

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opportunity to challenge the appointment of the said respondent if it was in violation of any statutory provision or regulation. However, the writ petition was filed only in the year 2026, after the 6th respondent had been selected as a member of the Senate. At the time of filing of the petition, the 6th respondent had also become a member of the Syndicate of CUSAT.

5. Public interest litigations in service matters are, as a rule, not maintainable, except in the limited circumstance of seeking a writ of quo warranto. The position being so, as rightly held by the Hon'ble Supreme Court in *Ashok Kumar v. State of West Bengal*³, every court must exercise circumspection and decline to entertain such petitions when they are found to be motivated, frivolous, or filed under the guise of public interest. The term "public office" is the right, authority and duty created and conferred by law, by which an individual is vested with some portion of the sovereign functions of the Government to be exercised by him for the

3 (2004) 3 SCC 349



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benefit of the public, for the term and by the tenure prescribed by law. It implies a delegation of a portion of sovereign power. It is a trust conferred by public authority for a public purpose, embracing the idea of tenure, duration, emoluments and duties. Respondent No.6 does not conform to any of these criteria. Moreover, it appears that the writ petition was filed to settle the score with the 6th respondent.

On such circumstances, the writ petition stands dismissed. However, there shall be no orders as to costs. The reply affidavit filed by the respondent is taken on record.

Sd/-

**SOUMEN SEN
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V.M.
JUDGE**

uu/16.09.2026



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APPENDIX OF WP(PIL) NO. 90 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE RELOCATION ORDER DATED 26.04.2025 ISSUED BY THE 4TH RESPONDENT
- Exhibit P2 THE TRUE COPY OF THE MINUTES OF THE SPACE AUDITING COMMITTEE MEETING HELD ON 29.01.2026
- Exhibit P3 THE TRUE COPY OF THE M.SC. (METEOROLOGY) FIRST SEMESTER EXAMINATION TIME TABLE FOR NOVEMBER 2025, SHOWING THE ELECTIVE PAPER 'INTRODUCTORY PHYSICAL OCEANOGRAPHY' DATED 28.10.2025 OFFERED BY THE DEPARTMENT OF PHYSICAL OCEANOGRAPHY
- Exhibit P4 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE SECOND YEAR STUDENTS [M.SC. METEOROLOGY] OF THE DEPARTMENT OF ATMOSPHERIC SCIENCES TO THE 4TH RESPONDENT ON 12.01.2026 AGAINST THE RELOCATION ORDER (EXHIBIT P1) ALONG WITH TYPED CLEAR COPY
- Exhibit P5 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE STUDENTS AND PH.D. SCHOLARS OF THE DEPARTMENT OF ATMOSPHERIC SCIENCES TO RESPONDENTS 2 AND 4 ON 06.05.2025, RAISING THEIR GRIEVANCE AGAINST THE RELOCATION ORDER (EXHIBIT P1) AND HIGHLIGHTING ITS ADVERSE IMPACT ON THEIR ACADEMIC INTERESTS
- Exhibit P6 THE TRUE COPY OF THE LAYOUT SHOWING THE SPACE ALLOTTED TO THE DEPARTMENT OF ATMOSPHERIC SCIENCES ON THE 5TH FLOOR OF THE OLD ACADEMIC BLOCK
- Exhibit P7 THE TRUE COPY OF THE LAYOUT SHOWING THE SPACE ALLOTTED TO THE DEPARTMENT ON THE 7TH FLOOR OF THE NEW ACADEMIC BLOCK
- Exhibit P8 A TRUE COPY OF THE ONLINE PETITION



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- DATED 09.07.2025 SUBMITTED BY THE ALUMNI OF THE DEPARTMENT OF ATMOSPHERIC SCIENCES TO RESPONDENTS 2 AND 4, CHALLENGING THE ARBITRARY ORDER RELOCATION ORDER (EXHIBIT P1), INITIATED BY DR. PRINCE XAVIER, SCIENCE MANAGER, MET OFFICE, UNITED KINGDOM
- Exhibit P9 TRUE COPY OF THE RTI REPLY DATED 08.06.2023, WHICH CLEARLY STATES THAT NO ST CANDIDATE HAS BEEN APPOINTED TO THE POSTS OF ASSOCIATE PROFESSOR OR PROFESSOR TO DATE.
- Exhibit P10 THE TRUE COPY OF THE PROFESSOR PROMOTION ORDER DATED 06.09.2018 OF THE 6TH RESPONDENT IN THE SCHOOL OF ENGINEERING (SELF-FINANCING ENGINEERING COLLEGE) WITH EFFECT FROM 18. 04. 2012
- Exhibit P11 THE TRUE COPY OF THE PH.D. AWARD CERTIFICATE DATED 29.01.2011, SHOWING CONFERMENT OF THE DEGREE WITH EFFECT FROM 13.12.2010
- Exhibit P12 THE TRUE COPY OF THE RECENT ORDER DATED 06.02.2026 ISSUED BY THE FINANCE DEPARTMENT, GOVERNMENT OF KERALA, CLARIFYING THE CONDITIONS AND LIMITATIONS FOR RECKONING PAST SERVICE FOR PROMOTIONS AND APPOINTMENTS
- Exhibit P13 THE TRUE COPY OF THE ORDER DATED 17.08.2019 APPOINTING THE 6TH RESPONDENT AS PROFESSOR WITH EFFECT FROM 24.07.2019 IN THE DEPARTMENT OF MATHEMATICS
- Exhibit P14 THE TRUE COPY OF THE RELEVANT PAGES OF THE SAID REGULATIONS 2018 PRESCRIBING THE QUALIFICATIONS FOR THE POST OF PROFESSOR UNDER DIRECT RECRUITMENT
- Exhibit P15 THE TRUE COPY OF THE RTI REPLIES DATED 26.11.2025 THE NON-COMPLIANCE OF THE REQUIREMENT OF TEN (10) YEARS' TEACHING EXPERIENCE AFTER ACQUISITION OF THE PH.D. DEGREE.
- Exhibit P16 THE TRUE COPY OF THE RTI REPLY DATED



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- 29.11.2025 ISSUED BY THE CONTROLLER OF EXAMINATIONS, CONFIRMING THAT THE 6TH RESPONDENT HAD NOT PRODUCED ANY PH.D. CANDIDATES UNDER HIS GUIDANCE
- Exhibit P17 THE TRUE COPY OF THE RELEVANT PAGES OF THE CUSAT ACT, 1986 CONTAINING SECTION 17 (CONSTITUTION OF THE SYNDICATE)
- Exhibit P18 THE TRUE COPY OF THE LIST OF SYNDICATE MEMBERS, INCLUDING THE APPOINTMENT OF THE 6TH RESPONDENT AS MEMBER OF THE SYNDICATE FOR THE FIRST TERM UNDER SECTION 17(1)(VIII)
- Exhibit P19 . THE TRUE COPY OF THE SUBSEQUENT LIST OF SYNDICATE MEMBERS DATED 20.03.2023, SHOWING THE RE-NOMINATION OF THE 6TH RESPONDENT FOR A SECOND TERM UNDER THE VERY SAME PROVISION, NAMELY SECTION 17(1)(VIII),
- Exhibit P20 THE TRUE COPY OF THE RELEVANT PAGES OF SECTION 31 (SELECTION COMMITTEES) OF THE CUSAT ACT, 1986
- Exhibit P21 A TRUE COPY OF THE JUDGMENT DATED 16.03.2021 IN W.P.(C) NO.6747/2021 (P), MAINTAINING STATUS QUO WITH RESPECT TO THE SELF-FINANCING COLLEGES
- Exhibit P23 The true copy of the appointments and promotion details of the petitioner and other Readers joined against the notified post of Readers in 2006, including the present Vice-Chancellor (i/C) Dr. M Junaaid Bushree [5th respondent in Exhibit R4(a)] , obtained through RTI document Dated 12.11.2025
- Exhibit P24 The true copy of the statutory constitution of erstwhile POMD, now Department of Atmospheric Science and Department of Oceanography since 1996 under the Faculty of Marine Sciences is evidenced by the Cochin University First Statutes, 1980 is produced herewith and marked as Additional Exhibit P24.



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- Exhibit P25** The true copy of the 1st semester M.Sc. (Meteorology) course time table for the academic years 2026 -2027 is produced herewith and marked as Additional Exhibit P25.
- Exhibit P26** The true copy of shifting order issued by the 4th respondent Registrar of the University dated 13.08.2026 is produced herewith and marked as Additional Exhibits P26.
- Exhibit P27** The true copy of the Vigilance Complaint dated 18.08.2026 filed against the Space Auditing Committee members including the 6th respondent, University Engineer, Registrar and vice -Chancellor of the University is produced herewith and marked as Additional Exhibit P27.
- Exhibit P28** The true copy of the list of regular faculties' dates of appointments and their retirement dates published by the respondent University on 15.10.2024 is produced herewith and marked as Additional Exhibit P28.
- Exhibit P29** 26. The true copy of the clarification issued by the UGC Secretary on 23.12.2022, regarding the clarification of Ph.D. guidance during the selection of Associate Professor and Professor of candidate as per UGC Regulations is produced herewith and marked as Additional Exhibit P29.
- Exhibit P30** The true copy of the admissibility of counting prior service for CAS promotion for the list of faculty got appointed as per UGC 7th Scheme published by the Respondent University on 29.05.2026 is produced herewith and marked as Additional Exhibits P30.
- Exhibit P31** The true copy of the relevant pages of Section 2(c)(xi) of the Prevention of Corruption Act, 1988 is produced



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herewith and marked as Additional Exhibit P31.

Exhibit P22 The true copy of the 6th respondent as Chairman, Board of Studies of Mathematics (Statutory Public post) downloaded from the University website on 28. 08. 2026

RESPONDENT EXHIBITS

Exhibit R4(a) A true copy of the Judgment dated 02.07.2026 in WP (PIL) No.128 of 2026 rendered by this Hon'ble Court

Exhibit R4(b) A true copy of the university order dated 14.03.2025 bearing No. CUSAT/UEU.AR/1041/2025

Exhibit R4(d) A true copy of the university order dated 18.08.2025 bearing No. CUSAT/UEU(CIVIL).0S1/3332/2025 issued by the 5th respondent University

Exhibit R4(f) true copy of the Cochin University of Science and Technology (Amendment) Act, 2012

Exhibit R4(c) true copy of the university order dated 19.07.2025 bearing No. CUSAT/UEU(ADM).A4/2920/2025 issued by the 5th respondent University

Exhibit R4(e) A true copy of the university order dated 21.10.2025 bearing No. CUSAT/UEU(ELE)/4179/2025