

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 29<sup>TH</sup> DAY OF NOVEMBER 2022 / 8TH AGRAHAYANA, 1944

WP(C) NO. 35656 OF 2022

PETITIONER:

STATE OF KERALA,  
REPRESENTED BY THE ADDITIONAL SECRETARY TO THE  
GOVERNMENT, HIGHER EDUCATION DEPARTMENT,  
GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.

BY ADVS.SHRI.V.MANU, SENIOR G.P. (GP-46)

RESPONDENTS:

- 1 THE CHANCELLOR,  
APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY,  
KERALA RAJ BHAVAN, THIRUVANANTHAPURAM - 695099.
- 2 APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY,  
REPRESENTED BY ITS REGISTRAR, CET CAMPUS,  
THIRUVANANTHAPURAM - 695016.
- 3 PROF. (DR) .CIZA THOMAS, SENIOR JOINT DIRECTOR,  
DIRECTORATE OF TECHNICAL EDUCATION,  
GOVERNMENT OF KERALA, FORT P.O,  
THIRUVANANTHAPURAM - 695023,  
NOW EXERCISING THE POWERS AND PERFORMING THE DUTIES OF  
THE VICE CHANCELLOR OF THE APJ ABDUL KALAM TECHNOLOGICAL  
UNIVERSITY, CET CAMPUS, THIRUVANANTHAPURAM-695016,  
AND RESIDING AT KP 7/240A, ESWARAN THAMBI NAGAR,  
KALLAYAM P.O, THIRUVANANTHAPURAM-695043.

\*ADDL.R4 THE UNIVERSITY GRANTS COMMISSION (UGC) ,  
BAHADUR SHAH ZAFAR MARG ITO, METRO GATE NO.3,  
NEW DELHI - 110002, REPRESENTED BY ITS CHAIRMAN.

\* ADDL.R4 IS SUO MOTU IMPEADED AS PER ORDER DATED  
08.11.2022 IN WP(C)NO. 35656/2022.

BY ADVS.SMT.M.U.VIJAYALAKSHMI, SC,  
S.PRASANTH, SC,  
ELVIN PETER P.J.,  
GEORGE POONTHOTTAM (SR.),

WP(C) NO. 35656 OF 2022

-2-

NISHA GEORGE,  
NAVANEETH KRISHNAN,  
SRI.S.KRISHNAMOORTHY, CGC,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 29.11.2022, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

C . R .

**JUDGMENT**

In an unprecedented move, the Government of Kerala, represented by its Additional Secretary, Higher Education Department, has filed this writ petition, assailing the order issued by the 1<sup>st</sup> respondent – Chancellor of the APJ Abdul Kalam Technological University (hereinafter referred to as 'the University' for brevity), appointing the 3<sup>rd</sup> respondent – Prof. (Dr.) Ciza Thomas, *“to exercise the powers and perform the duties of a Vice Chancellor with immediate effect in addition to her normal duties until further orders.”* (sic)

2. The specific imputation of the Government is that the afore order of the Chancellor – a copy of which is produced as Ext.P7 – is in flagrant violation of Section 13(7) of the “APJ Abdul Kalam Technological University Act, 2015” (hereinafter referred to as 'the Act'), inasmuch as the said Authority has disregarded their recommendation in making such appointment.

3. A woodcut record of the reasons that led to the

issuance of Ext.P7 order and the appointment of 3<sup>rd</sup> respondent, would certainly be necessary to understand the contours of the controversy projected.

4. The Hon'ble Supreme Court, through Ext.P2 judgment, which is cited as **Professor (Dr.) Sreejith P.S and others v. Dr.Rajasree M.S and others** (SLP (Civil) Nos.21108/21109 of 2021), declared the appointment of the earlier incumbent in the office of the Vice Chancellor of the University to be void *ab initio*, holding that she had been appointed contrary to the applicable Regulations of the University Grants Commission (UGC), namely, UGC Regulations "*On Minimum Qualifications For Appointment Of Teachers And Other Academic Staff In Universities And Colleges And Other Measures For The Maintenance Of Standards In Higher Education, 2018*" (hereinafter referred to as "UGC Regulations, 2018"), since she was selected by a Selection Committee constituted not as per the aforesaid Regulations; and further, that said Committee had recommended solely her name to the Chancellor, in contravention of the mandatory stipulation therein that it

ought to have provided a panel of at least three persons.

5. This led to a situation where the incumbent Vice Chancellor ceased to be in office forthwith after Ext.P2 judgment; and it became unexpedient for the Chancellor to find a replacement for the interregnum, till a new candidate is selected by a validly constituted Selection Committee.

6. This was more so because, after Ext.P2 judgment was delivered by the Hon'ble Supreme Court, the University addressed Ext.P3 letter dated 22.10.2022 to the Principal Secretary to Government, Higher Education Department, requesting that a replacement be thought of; followed by Ext.P4 communication of the said Authority, recommending the name of Dr.Saji Gopinath, who is functioning as the Vice Chancellor of the Digital University Kerala. However, this recommendation was responded to by the Office of the Chancellor pointing out that the aforementioned person also suffered from a similar or analogous disqualification, as found by the Hon'ble Supreme Court against the earlier Vice Chancellor of the University, and that steps have been

initiated for his removal.

7. It transpires that Government did not pursue the afore recommendation, but then addressed Ext.P6 letter to the Office of the Chancellor, recommending the Principal Secretary, Higher Education Department, to be appointed as the Vice Chancellor until such time as the said post is filled up in terms of the "UGC Regulations 2018"

8. But, the Chancellor did not accept this either and issued Ext.P7 order, appointing the 3<sup>rd</sup> respondent to exercise *"the powers and perform the duties of the Vice Chancellor"*, in addition to her normal duties.

9. As said above, the Government calls into question Ext.P7 order in this writ petition, seeking the issuance of a *certiorari* to quash it; and supplements it by a writ of *quo warranto* against the 3<sup>rd</sup> respondent, alleging that she is an usurper in the office of the Vice Chancellor of the University.

10. I have heard Sri.Gopalakrishna Kurup – learned Advocate General, assisted by Sri.V.Manu - learned Senior Government Pleader appearing for the petitioner;

Sri.S.Gopakumaran Nair, learned Senior Counsel, instructed by Sri.S.Prasanth – learned Standing Counsel for the Chancellor of the University; Sri.George Poonthottam - learned Senior Counsel, instructed by Smt.Nisha George, appearing for the 3<sup>rd</sup> respondent; Sri.S.Krishnamoorthy – learned Standing Counsel for the University Grants Commission (UGC) and Sri.Elvin Peter PJ. – learned Standing Counsel for the 2<sup>nd</sup> respondent University.

11. The learned Advocate General, who argued in extenso, conceded that the Hon'ble Supreme Court has indubitably declared that, in the event of any conflict between the “UGC Regulations 2018”, and the provisions of the “Act”, the former would prevail; and therefore, that in the case of appointment of a “regular” Vice Chancellor for the University, the stipulations in the said Regulations alone can be taken into account.

12. The learned Advocate General then argued that, but in the case of a “temporary vacancy” in the Office of the Vice Chancellor on account of any reason, the “UGC Regulations 2018”, would have no role but, it are the provisions of the

“Act”, which alone would come into play. He then explained that this is because, the “UGC Regulations 2018” do not even contemplate a “temporary vacancy” in the office of the Vice Chancellor; nor does it designate any procedure for the selection of a candidate in such scenario; and hence that the “Act”, which carries specific stipulations in such an eventuality, operates without any conflict with the former.

13. The learned Advocate General then went on to his next layer of submissions, predicating that Section 13(7) of the “Act” limpidly spells out that, when a “temporary vacancy” arises in the Office of the Vice Chancellor, the Chancellor is statutorily obliged to appoint either one of the Vice Chancellors of other Universities in Kerala; or the Pro-Vice Chancellor of the University in question; or the Principal Secretary, Higher Education Department, fully guided and bound by the recommendation of the Government. He expatiated this argument, citing **A.Panduranga Rao Vs. State of Andhra Pradesh and others** [(1975) 4 SCC 709]; **V.M.Kurian Vs. State of Kerala and others** [(2001) 4 SCC 215] and **Ram Tawakya Singh Vs. State of Bihar** [(2013)

16 SCC 206], to impress upon me the judicially accepted ambit, purport and importance of the concept of “recommendation”; to assert that the Chancellor, could not, therefore, have travelled beyond such made by the Government, in any manner whatsoever. He thus prayed that Ext.P7 order be set aside, finding it to be beyond the competence of the Chancellor to have issued it; concomitantly quashing the appointment of the 3<sup>rd</sup> respondent through a writ of *quo warranto*. Perhaps, being alerted by the counter pleadings of the respondents, the learned Advocate General then argued that this writ petition is fully maintainable at the instance of the Government, since the Chancellor had acted in violation of the binding statutory prescriptions; and relied upon **State of Orissa v. Union of India and another** [1995 Supp (2) SCC 154]; **Gopalan v. State of Kerala** [1965 KLT 815]; **Bhuri Nath and others v. State of J&K and others** [(1997) 2 SCC 745] and **Centre for Pil and another v. Union of India and another** [(2011) 4 SCC 1], in substantiation.

14. The learned Advocate General added that, in such

circumstances, a writ of *quo warranto* will also lie against the third respondent, since **Narayanan v. Dr.T.K.Ravindran** [1991 (2) KLT 198]; **N.Kannadasan & others v. Ajoy Khose and others** [(2009) 7 SCC 1]; **Gambhirdan K.Gadhvi v. State of Gujarat and others** [(2022) 5 SCC 179] and **State of West Bengal v. Anindya Sundar Das & others** [2022 LiveLaw (SC) 831], render it irresistible that an appointment to a public office in violation of law is vitiated.

15. The learned Advocate General then answered the contentions of the respondents, reflected in their pleadings, that the Additional Secretary of the Higher Education Department is fully competent to represent the Government in this writ petition, as per the “Rules of Business of the Government of Kerala” framed under Articles 166(2) and 166(3) of the Constitution of India, since it defines a “Secretary” to take in, *inter alia*, an Additional Secretary. He asserted that it is fully upto the Government to choose an officer to represent it and that it is not mandatory that it is only its Chief Secretary who should do so.

16. The learned Advocate General then contended that

since the Government has called into question the action of the Chancellor and not that of the Governor, this writ petition is competent, and fortified his arguments on the declarations contained in **Gopalan** (*supra*), **Bhuri Nath** (*supra*) and **Gopalakrishnan v. Chancellor, University of Kerala** [1990 (1) KLT 681].

17. In furtherance of his afore line of argument, the learned Advocate General submitted that even if it is to be assumed that the Chancellor was right in not having accepted Ext.P6 recommendation – it being not admitted – he could not have proceeded to appoint the third respondent through Ext.P7, but ought to have reverted to the Government for further deliberation and consultation, so that a suitable candidate could have been then identified and appointed. He alleged that the Chancellor did not even make an attempt to do so, but went on to appoint the third respondent on his own, relying upon certain “inputs”, that are extraneous to the established procedure for such purpose.

18. Finally, as an alternative contention, the learned Advocate General submitted that, even if this Court is to hold

that for the appointment to the post of a Vice Chancellor in a “temporary vacancy”, the qualifications mandated by the “UGC Regulations 2018” are imperative, the appointment of the third respondent by the Chancellor through Ext.P7 is illegal, because she is not qualified and does not have necessary experience as stipulated thereunder.

19. As expected, the respondents opposed this writ petition on every available ground – including on its merits, maintainability and propriety.

20. Sri.S.Gopakumaran Nair – learned Senior Counsel for the Chancellor, began his submissions predicating that this writ petition is not maintainable since, what is under challenge is the order of the Chancellor, who is also the Governor of the State of Kerala. He argued that it has now been well settled, through the inviolable constitutional provisions, that the Government cannot challenge the actions of the Governor, who is its Executive Head; and hence that this writ petition is liable to be dismissed as being not maintainable.

21. Sri.S.Gopakumaran Nair then argued, relying upon

the two statements filed by his client, to contend that Section 13(7) of the “Act” operates in violation of the “UGC Regulations 2018” and is an affront to the declarations of law by the Hon'ble Supreme Court, since it allows the Government to have a say in the appointment of the Vice Chancellor, *albeit*, in a temporary vacancy.

22. He then proceeded to say that, even assuming that Section 13(7) of the “Act” would apply, when the Government made Ext.P4 recommendation in favour of another Vice Chancellor, the Chancellor responded to it explaining that said person and many other Vice Chancellors in Kerala, suffer from the same infirmity as was found in the case of the erstwhile Vice Chancellor of the University in question by the Hon'ble Supreme Court and hence cannot be appointed. He pointed out that the Government correctly accepted this and therefore, made their second recommendation in favour of the Principal Secretary, Higher Education Department, through Ext.P6; but which his client could never even consider, going by Ext.P2 judgment, which declares the law unambiguously that every person who is appointed to the

post of Vice Chancellor must subscribe and satisfy the qualifications as stipulated in the “UGC Regulations 2018”.

23. Sri.S.Gopakumaran Nair then maintained that since the two names proposed by the Government were found to be not legally capable of being appointed as the Vice Chancellor and since the University in question has, admittedly, no Professors with more than ten years of experience on their roll, the Director of Technical Education (Director) was requested to provide a list of Professors with more than ten years of experience in other Engineering Colleges in Kerala; but that said Authority “failed” to furnish the same, in spite of repeated requests. He added that, as has been averred in the additional statement filed by his client dated 28.11.2022, the Chancellor then requested the Director herself to take over the responsibilities of the Vice Chancellor of the University in question, but that she “politely refused” to do so; which left him with no other option but to rely upon other inputs, including consultation with academicians, to identify and select the third respondent to be the Vice Chancellor of the University.

24. The learned Senior Counsel further explained that third respondent is presently functioning as a Senior Joint Director in the Department of Technical Education and that this post, as per the Special Rules applicable, is equivalent to the Principal of a Government Engineering College – which is a promotion post from eligible Professors - thus being fully qualified to be the Vice Chancellor, especially since the applicable Regulations of the All India Council for Technical Education (AICTE) mandate that a Principal must have the experience of being a Professor of ten years or more. The learned Senior Counsel then conceded that the third respondent is not the senior most among the Professors in the Engineering Colleges and that there are five or six others who are senior to her; but, who are all working outside Thiruvananthapuram and thus being incapable of being entrusted with the additional duty of the Vice Chancellor of the University in question.

25. Moving on to his next contentions, Sri.S.Gopakumaran Nair – learned Senior Counsel, submitted that the argument of the learned Advocate General that it

was incumbent upon the Chancellor to seek further deliberation and consultation after Ext.P6 is without any basis because, as is evident from Section 13(7) of the "Act", they could have recommended only the three categories mentioned therein and when they exhausted all of them – they be all disqualified – it was unnecessary for his client to have gone back for any discussion, which could have been nothing but superfluous.

26. Sri.S.Gopakumaran Nair concluded his submissions saying that this writ petition is an unfortunate event and that Government is attempting to cast aspersions on his client's intentions, by making it to appear that he has acted contrary to law; when, in fact, he had no other option, but to find a suitable person with all the requisite qualifications under the "UGC Regulations 2018" to function as the Vice Chancellor, till a person is chosen and appointed validly under the same. He submitted that this arrangement is only a temporary one and that a new Vice Chancellor can be identified - subject to the co-operation of the University - without any further delay; and hence that appointment of the third respondent – who is

fully qualified and an eminent academician on her own right - to function as the Vice Chancellor for the interim period is only in the best interest of the University and the students, because otherwise, its affairs would be very badly affected.

27. Sri.George Poonthottam - learned Senior Counsel appearing for the third respondent, commenced his submissions on the hypostasis of the counter affidavit filed by his client and particularly on Ext.R3(a) - which is her curriculum vitae - to show me that she was promoted as a non-cadre Professor on 15.10.2009; and as a Cadre Professor on 21.02.2012; finally being appointed as the Senior Joint Director in the Directorate of Technical Education on 08.03.2019. He argued that, going by Regulation 7.3 of the "UGC Regulations 2018" - which prescribes the qualifications of a Vice Chancellor - it are not candidates who have experience of ten years as a Professor alone who can be appointed, but also persons who have such "experience in a reputed research and/or academic administrative organisation". He submitted that since his client had nearly ten years of experience when she was appointed as a Senior

Joint Director, with a further 3½ years of service in the said position, her credentials to have been appointed as a Vice Chancellor can never be called into question. He then showed me, from Ext.R3(a) itself, that the accomplishments of his client cannot be confined even to a few pages and that runs it to nearly eight or nine; further arguing that she is among the first ten senior most Professors in the Government Engineering Colleges in Kerala, thus being fully qualified and eligible to have been identified by the Chancellor for the appointment in question.

28. Sri.George Poonthottam concluded, adopting the contentions of the Chancellor, to the effect that this writ petition is not maintainable and argued that the reliance of the petitioner on **State of Orissa** (supra) for this purpose is without force because the facts of the said case would show that the Government therein had approached the Hon'ble Supreme Court against the directions issued against it in a Statutory Revision. He argued that, contrary to this, in the case at hand, the Government obtains no cause of action at all, since Ext.P7 is neither against them, nor does the

appointment of the Vice Chancellor concern them, going by the Statutory Scheme.

29. Pertinently, Sri.S.Krishnamoorthy – learned Standing Counsel for the UGC, began his submissions relying upon the counter affidavit filed by his client dated 14.11.2022, to firmly say that the “UGC Regulations 2018” do not recognise either a “Vice Chancellor-in-charge”, or “an acting Vice Chancellor”, or “an interim Vice Chancellor”, but that any person who occupies the said chair even for one day will be designated as a Vice Chancellor; thus requiring to be fully qualified and eligible for the said position as per its prescriptions. He explained that the “UGC Regulations 2018” perhaps did not contemplate a situation where there would be a “temporary vacancy” in the Office of the Vice Chancellor, but that this would be of no consequence at all because, even when such a tenure is sought to be filled up, the person identified must be fully qualified to be a Vice Chancellor on all counts.

30. Sri.S.Krishnamoorthy explained that this is because a person who works as a Vice Chancellor even for one day in

such full capacity and that there is no difference in the functions or the attributes of the said post, in comparison to a Vice Chancellor who has a longer tenure. He further pointed out that the “UGC Regulations 2018” do not prescribe the tenure for any Vice Chancellor, leaving it open to the respective State Legislatures to provide for it in their legislations; and that hence, it would be of no consequence whether a person is appointed for one day or for four years; and that he/she must satisfy all the educational and experience qualifications and requirements under the “UGC Regulations 2018”.

31. Sri.S.Krishnamoorthy submitted that, therefore, going by Section 13(7) of the “Act”, read along with Regulation 7.3 of the “UGC Regulations 2018”, the Principal Secretary of the Higher Education Department, could never have been recommended by the Government, nor appointed by the Vice Chancellor, since he is neither a distinguished academician with ten years experience as a Professor, nor does he have any experience - much less ten years - in a reputed research and/or academic administrative

organisation. He added that the Hon'ble Supreme Court has also made it repeatedly clear that Government cannot be given any right to interfere with the affairs of an autonomous body like the University and therefore, that an Officer in the post of Principal Secretary to Government can never be even considered, much less appointed, as the Vice Chancellor, even for one day.

32. As a further submission with respect to the Pro-Vice Chancellor of the University in question, Sri.S.Krishnamoorthy submitted that Regulation 7.2 of the "UGC Regulations 2018", renders it without doubt that the term of a Pro-Vice Chancellor is co-terminus with that of the Vice Chancellor; and therefore, that when the Hon'ble Supreme Court, through Ext.P2 judgment, declared that appointment of the Vice Chancellor in this case was *void abinitio*, it can only be construed that said incumbent obtained no term at all; and consequently, that the term of the Pro-Vice Chancellor was also rendered untenable. He argued that, therefore, even if Section 13(7) of the "Act" is to be pressed into service, the only recommendation that could

have been made by the Government – admitting for the sake of argument that it could have done so – was one of the other Vice Chancellors of the Universities in Kerala; but that since the Chancellor takes the stand that none of them could have been appointed on account of certain steps initiated against them for their removal - for the same reasons as were found by the Hon'ble Supreme Court against the Vice Chancellor in this case in Ext.P2 judgment - he was wholly within his powers to have identified a suitable person to act as the Vice Chancellor, till a new incumbent is selected as per the “UGC Regulations 2018”.

33. Sri.S.Krishnamoorthy also submitted that the present controversy was unnecessary, because a new Vice Chancellor can be selected and appointed quickly, so that continuation of the 3<sup>rd</sup> respondent can be confined to the smallest period of time, if all the stake holders agree to the same; adding that nominee of the UGC for the Selection Committee can be made available even in two weeks time.

34. Sri.Elvin Peter.PJ – learned Standing Counsel for the University, submitted that his client will abide by any

directions to be issued by this Court and that they have no role to play in the controversy now impelled.

35. The rival contentions, assertions and submissions having been thus indited, it now enjoins this Court to analyse and assess them on the touchstone of the binding precedents and the applicable Statutory Scheme.

36. On the aspect of maintainability of this writ petition, I find in favour of the Government, since they have – for their reasons afore seen – impugned Ext.P7 order of the Chancellor of the University, on the specific imputation that it is contrary to the requirements of the statutory mandate of the “Act” and in impermissible disregard of their recommendation, which they maintain, is binding on the said Authority. The various judgments relied upon by the learned Advocate General in support of his contention on the aspect of maintainability leave little room for doubt that, when a public Authority acts in contravention of the Statutory Scheme – the truth of the same to be decided presently in this judgment – a writ is maintainable and that the position of the Chancellor is no different.

37. This is also true from the angle of the question, if the Government can challenge the acts of the Chancellor – he also being the Governor of Kerala, occupying such office *Ex-officio* – since law is now well settled - requiring no re-emphasis - that these two offices are different and distinct; and that, while the Governor acts as the Chancellor, he discharges only statutory functions under the “UGC Regulations 2018” and the “Act”, thus being susceptible to the writ jurisdiction of this Court. The precedents cited by the learned Advocate General in fortification of this, surely declare it so unequivocally.

38. That brings as to the substantive question if the Chancellor has acted in consonance with law, as he is obliged to do.

39. For this, one will have to first read Section 13(7) of the “Act”; as also Regulation 7.3 of the “UGC Regulations 2018”, which, for such purpose, are extracted below:

**“Section 13(7) of the Act**

Where the vacancy of Vice-Chancellor arises in any of the following circumstances, the Chancellor may appoint the Vice-Chancellor of any other University or the Pro-Vice Chancellor of this University or the

Secretary to Government, Higher Education Department, recommended by the Government to be the Vice-Chancellor for a period of not exceeding six months in the aggregate, namely:

i) where the committee appointed under sub-section

ii) is unable to recommend any name within the time-limit specified by the Chancellor;

iii) where vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise and it cannot be filled up-conveniently and expeditiously in accordance with the provisions of sub-sections (1) to (5).

where the vacancy in the office of the vice-chancellor arises temporary because of leave, illness or of any other causes.

Where the term of office of the Vice-Chancellor expires; or

where there is any other emergency; provided that the person so appointed shall cease to hold such office on the date on which the Vice-Chancellor resumes office.

### **Regulation 7.3 VICE CHANCELLOR**

i) A person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician, with a minimum of ten years of experience as Professor in a University or ten years of experience in a reputed research and/or academic administrative organization with proof of having demonstrated academic leadership."

ii) The selection for the post of Vice Chancellor should be through proper identification by a panel of 3-5 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search cum Selection

Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Visitor/Chancellor. One member of the Search cum-Selection Committee shall be nominated by the Chairman, University Grants Commission, for selection of Vice-Chancellors of State, Private and Deemed to be Universities.

iii) The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search-cum-Selection Committee.

iv) The term of office of the Vice-Chancellor shall form part of the service period of the incumbent making him/her eligible for all service related benefits."

40. As seen *ut supra*, even the Government impels no contrary case that at least four judgments of the Hon'ble Supreme Court, namely, **Gambhirdan K. Gadhvi** (supra); **Kalyanji Mathivanan** (supra); **Anindya Sundar Das** (supra) and **Prof. Narendra Sing Bhandari v. Revindra Jugran and others** (Civil Appeal No.8184/2022), render it apodictic that a Vice Chancellor is to be appointed by the Chancellor in implicit compliance of the "UGC Regulations 2018".

41. This is cemented by Ext.P2 judgment, wherein, the Hon'ble Supreme Court ordered removal of the earlier incumbent in the office of the Vice Chancellor of the University, solely because she was appointed on the

recommendation of a Selection Committee constituted contrary to the “UGC Regulations 2018; and since the said Committee had recommended just one candidate, instead of a panel of names as required thereunder.

42. The perspective, therefore, cannot be lost – as rightly argued by Sri.S.Gopakumaran Nair - that even though, in Ext.P2, the Hon'ble Supreme Court quashed the appointment of the Vice Chancellor for the afore reasons, what was really disapproved was of the action of the Chancellor, in having been made the said appointment.

43. Indubitably, the responsibility of the Chancellor to act in full conformity with the law is now far more.

44. Luculent from the pleadings and record of their contentions, the Government takes the stand that when the Chancellor appoints a person to the post of Vice Chancellor for an interregnum period – till a proper selection is made as per the “UGC Regulations 2018” – he can only do as per Section 13(7) of the “Act”; and must make the appointment, *dehors* the qualifications for such post as per the afore said Regulations.

45. As discernible from Section 13(7) of the “Act” afore extracted, when a temporary “*vacancy*” arises in the office of the Vice Chancellor, the Chancellor, on the recommendation from the Government, must appoint one among the three choices therein, namely: a) the Vice Chancellor of another University in Kerala; b) the Pro-Vice Chancellor of the University in question; and c) the Principal Secretary, Higher Education Department of the Government of Kerala.

46. However, the Chancellor asserts that all the afore three choices are incompetent and hence that he had no option but to appoint the 3<sup>rd</sup> respondent, who is fully qualified and who is among the senior most Professors in Government Engineering Colleges, especially since she is the only such senior person presently serving in Thiruvananthapuram, as the Senior Joint Director, Directorate of Technical Education.

47. Before embarking to assess the merits of the dialectical positions, one must carefully gauge, if there is any difference between a Vice Chancellor appointed after selection as mandated by the “UGC Regulations 2018”, and one who is appointed for the interim.

48. The stand of the UGC in this regard is pivotally vital. They vehemently say that the “UGC Regulations 2018” recognize only one class and one type of Vice Chancellor, and not “Acting Vice Chancellor”; or “Interim Vice Chancellor”; or “Vice Chancellor in charge”. They strongly maintain that any person in the Office of the Vice Chancellor even for a day – which is to mean whatever be the term – he/she must be fully qualified to hold it, as per the Regulations particularly, Regulation 7.3 thereof.

49. Being the author of the “UGC Regulations 2018, the opinion of the UGC is crucially compelling this Court; and in any case, a contra view cannot be impelled even under the “Act”. This is because, Section 13(7) of it does not define the Vice Chancellor, but only specifies the manner in which a vacancy – admittedly temporary – in such post is to be filled up. The “Act” does not specify the credentials or qualifications of a Vice Chancellor and it is admitted that such are governed exclusively by the “UGC Regulations 2018”. In other words, Section 13(7) does not define the Vice Chancellor, but only prescribes the manner in which a

vacancy in the said position is to be filled up for a temporary period.

50. It is thus incontestable that even the "Act" recognizes the appointment under Section 13(7) thereof to be that of a Vice Chancellor and not anything else. The only difference is that appointment is to a "temporary vacancy" – to mean for the interim period when a regular selection under the "UGC Regulations 2018" is completed.

51. Hence, one cannot argue against the proposition that Section 13(7) of the "Act" deals not with the post, but in relation to the tenure of a Vice Chancellor; and consequently, even accepting the argument of the learned Advocate General that its provisions will apply wherever there is a lacuna or gap in the "UGC Regulations 2018", one can never argue that the incumbent Vice Chancellor – what ever be the term – need not satisfy the qualifications as mandated under the said Regulations.

52. Pertinently, the very arguments of the State itself will fall against them since, when there are no contra provisions in the "Act" as regards the qualifications of the

Vice Chancellor and since any such provision would fall foul of the declarations of law by the Hon'ble Supreme Court, any appointment to the said post can only be done subject to the satisfaction of the qualifications and experience as prescribed under the "UGC Regulations 2018".

53. Therefore, the contention of the learned Advocate General that, even a person without the imperative qualifications under the "UGC Regulation 2018" can be appointed under Section 13(7) of the "Act", is without merit and deserving only to be repelled. I do so.

54. In fact, apart from the fact that the "Act" concedes no ambiguity at all, a fully empowered Vice Chancellor is being appointed under it, the learned Advocate General - to a pointed question from this Court - also admitted that said appointee is expected to discharge all the duties and responsibilities of a Vice Chancellor, as selected and appointed under the "UGC Regulations 2018".

55. In any event, the position of the Vice Chancellor being the most acme in the University; and this having been repeatedly declared so by the Hon'ble Supreme Court in

**Gambhirdan K. Gadhvi** (supra); **Kalyanji Mathivanan** (supra); **Anindya Sundar Das** (supra) and in Ext.P2 judgment, this Court can never countenance an assertion that a person without the requisite qualifications as per the “UGC Regulations 2018” can be allowed to function in such office, even for a short period of time.

56. That said, I am aware of the submissions of Sri.Gopakumaran Nair – learned Senior Counsel for the Chancellor, that Section 13(7) of the “Act” is also in dissonance with **Gambhirdan K. Gadhvi** (supra); **Anindya Sundar Das** (supra) and Ext.P2 judgment of the Hon'ble Supreme Court, inasmuch as that it allows the Government to interfere with the appointment of a Vice Chancellor, *albeit* in “temporary vacancy”; and, therefore, that is liable to be struck down or disregarded by this Court.

57. No doubt, as a thumb rule - it being now well established in law – Government cannot be allowed any inroad into the affairs of the Universities; and this has been so stated and reaffirmed in several judgments, including

**Bhuri Nath** (supra), cited by the learned Advocate General himself. Paragraph 25 of the said judgment declares it unambiguously that Government cannot be allowed any role in the affairs of the Universities and that, any such would have to be frowned upon legally.

58. However, it is pertinent that the Chancellor had issued Ext.P7 order also under Section 13(7) of the “Act”, read along with Regulation 7.3 of the “UGC Regulations 2018”. Moreover, there is no challenge from any quarter against the validity of the said section; and I, hence, see no reason to enter into such areas; though, surely, this Court can read down its ambit, to the extent to which it runs contrary to the binding judgments.

59. Let us now see if there is merit in the contra contentions of the Chancellor.

60. The first choice in Section 13(7) of the “Act” is the Vice Chancellor of any other University in Kerala; and admittedly, all such persons are fully qualified – in terms of both experience and educational qualifications – under the “UGC Regulations 2018”. Normally, therefore, all of them can

be considered to be appointed as the Vice Chancellor of the University in a “temporary vacancy”.

61. The second choice in Section 13(7) of the “Act” is the Pro-Vice Chancellor of the University in question; and again, if such person also has the experience and qualifications under Regulation 7.3 of the “UGC Regulations 2018”, he/she will also come within a valid field of choice.

62. However, as regards the third choice in Section 13(7) of the “Act”, namely the Principal Secretary, Higher Education Department, the Government unreservedly admits that he is a bureaucrat and not an academician with any experience as Professor in a University; or in a reputed research and/or academic administrative organisation, as required under the “UGC Regulations 2018”.

63. Such a person can, therefore, never be appointed as a Vice Chancellor even for a day; and this is so affirmed by the UGC also. I do not have to travel any further in this regard because, these issues have been fully settled by the Hon’ble Supreme Court in **Gambhirdan** (supra), **Kalyani Mathivanan** (supra) and **Anindya Sundar Das** (supra),

reaffirmed in Ext.P2 judgment; and perspicuously, therefore, the recommendation made by the Government in favour of its Principal Secretary, Higher Education Department - through Ext.P6, is, to say the least, unfortunate, especially when they were a party to Ext.P2 judgment of the Hon'ble Supreme Court, thus being fully aware of the unmistakable declaration therein that appointment of a Vice Chancellor – for whatever be the term – has to strictly satisfy the criteria under the “UGC Regulations 2018”.

64. Returning to the first choice afore, it is clear that Government made their initial recommendation to the Chancellor through Ext.P4, in favour of Sri.Saji Gopinath – Vice Chancellor of the Digital University Kerala. The Office of the Chancellor replied to this, informing that this person is also suspected to have been appointed as the Vice Chancellor in conflict with the “UGC Regulations 2018”, thus making his position untenable as the earlier Vice Chancellor of the University in question, covered by Ext.P2 judgment; and that a notice had been issued asking him to show why he shall not be removed.

65. Pertinently, Government accepted this reply, without assailing it and made their second recommendation, through Ext.P6, in favour of the Principal Secretary, Higher Education Department. As already seen above, this was peremptorily unacceptable and the Chancellor rightly chose to disregard it.

66. Moving on to the only other option in Section 13(7) of the "Act", it would not have been required for this Court to speak on it – the Government never having made a recommendation favouring the Pro-Vice Chancellor of the University in question - except for the argument of the learned Advocate General that, had the Chancellor caused a reply to Ext.P6, the Government may have made such a recommendation.

67. In this regard arises one aspect which is vitally *germane*, namely, if the present incumbent in the post of Pro-Vice Chancellor can be reckoned to be in office, after the Hon'ble Supreme Court declared the appointment of the Vice Chancellor, on whose recommendation he was admittedly appointed - to be void *ab initio*.

68. *Quad Hoc* the office of the Pro-Vice Chancellor, it is

conceded by the learned Advocate General that the incumbent was appointed as per Ext.P8 order of the University. He also unreservedly agreed that, Regulation 7.2 of the “UGC Regulations 2018”, makes the term of the said office co-terminus with that of the Vice Chancellor and that this is so specifically provided in Ext.P8 order also.

69. If that be so, when it is undisputed that appointment of the earlier Vice Chancellor had been declared by the Hon'ble Supreme Court - through Ext.P2 judgment - to be void *ab initio*, the Chancellor was surely justified in believing that the term of the Pro-Vice Chancellor had also ended then – if not, was also void *ab initio*. The relevant question, at the time when the impugned Ext.P7 order was issued by the Chancellor, was not whether this was true, but if his impression to such effect was justified. I certainly hold so, because, otherwise, going by the sequence of choices in Section 13(7) of the “Act”, the natural second recommendation to be made by the Government would have been the Pro-Vice Chancellor of the University in question. However, they chose not to do so and the Chancellor says

that, hence, he legitimately thought that Government had exhausted all their options; and consequently that, no further deliberation was needed with them – it having no purpose, since the Government could make no other recommendations.

70. When I record as afore, I am cognizant of the emphatic assertion of the learned Advocate General that there is nothing in Section 13(7) of the “Act” which makes it obligated on the Government to make recommendation in the order of the categories mentioned therein; and therefore, the above said impression of the Chancellor was baseless.

71. I agree with this; and solely, hence, proceed to decide if the position of the Pro-Vice Chancellor has become untenable after the Hon'ble Supreme Court declared the appointment of the incumbent Vice Chancellor to be void *ab inito*.

72. For this inquiry, Regulation 7.2 of the “UGC Regulations 2018” is to be read and is hence reproduced as below.

“It shall be the prerogative of the Vice Chancellor to

recommend a person to be the Pro-Vice Chancellor to the Executive Council. The Pro-Vice Chancellor shall hold office for a period, which is co-terminus with that of the Vice Chancellor”.

73. Very pertinently, it is the Government themselves have produced the appointment order of the Pro-Vice Chancellor on record as Ext.P8. It limpidly records that it has been issued as per the “UGC Regulations 2018” and that said Authority has been appointed by the Syndicate of the University, on the recommendation of the Vice Chancellor. It further unequivocally declares that the term of the Pro-Vice Chancellor is co-terminus with that of the Vice Chancellor.

74. The learned Advocate General, however, argued that, merely because the Hon’ble Supreme Court has quashed the appointment of the Vice Chancellor as being void *ab initio*, it does not mean that the term of the Pro-Vice Chancellor has also ended. He edified this contention on the judgment of a learned Single Bench of this Court in **Abdul Rahiman M. v. State of Kerala and others** [2018 (4) KLT 716]. He read this judgment to argue that even when a Vice Chancellor ceases to be in office, the Pro-Vice Chancellor will

continue.

75. I am afraid that I cannot find favour with the learned Advocate General, because **Abdul Rahiman** (supra) was delivered in a totally different factual and legal matrix. That was a case wherein the Pro-Vice Chancellor was appointed under the provisions of the earlier Regulations of the UGC, namely UGC Regulations 2010, which, in Regulation 7.2.0 thereof, allowed the Vice Chancellor to recommend a new Pro-Vice Chancellor even during his tenure. The Vice Chancellor in the said case resigned before his term was over and the learned Judge was called upon to answer whether the action of the Chancellor, in having issued a notice to the Pro-Vice Chancellor to vacate his office, was valid or otherwise. This Court considered the UGC Regulations 2010 in extenso and tested it under the provisions of Section 15 of the "Act" to hold:

"In view of the act that under the UGC Regulations, 2010, appointment of a Pro-Vice Chancellor is a pleasure appointment to be made by the Executed Counsel on recommendation made by the Vice Chancellor, the Pro-Vice Chancellor can hold the Office only during the pleasure of the Vice Chancellor. If reliance has to be placed on the University Act, 2015, the appointing authority is the Chancellor. However, on an application

of UGC Regulations, 2010, the Chancellor has no role in the matter of appointment. In such circumstance, I have to hold that the Chancellor has no power to pass an order directing the petitioner to vacate the office of the Pro-Vice Chancellor.”

76. The learned Bench, thereafter, evaluated the provisions of Clause 7.2 of the UGC Regulations, 2010 to find that its second part exhibits the intention behind the Regulation by the use of the adjective “new” before the Pro-Vice Chancellor making it clear to be a pleasure appointment; thus concluding that *“continuation of any incumbent in the office would depend upon the discretion of the incoming Vice Chancellor, that means, any Pro-Vice Chancellor cannot, as a matter of right, claim the office for a fixed period; it is also left to the discretion of the Vice Chancellor”*.

77. As said above, the facts involved in this case have absolutely no bearing or comparison with those noticed by the learned Judge in **Abdul Rahiman** (supra).

78. In this case, it is not a situation where the Vice Chancellor had resigned or demitted office, but the Hon’ble Supreme Court had quashed her appointment as being void *ab initio*. Obviously, therefore, the argument that the

erstwhile Vice Chancellor obtained no “term” at all under the “UGC Regulations 2018” is on *terra firma*.

79. Before I proceed to conclusively say on this, I must address another argument of the learned Advocate General hypostised on the *defacto doctrine*. He cited **Gokaraju Rangaraju v State of Andhra Pradesh** [(1981) 3 SCC 132] to argue that, even when the appointment of a Vice Chancellor has been quashed by the Hon’ble Supreme Court, her past actions in such post would stand protected by the aforementioned doctrine. He argued that, therefore, when the Vice Chancellor had made the recommendation in favour of a person to be the Pro-Vice Chancellor, her appointment being quashed by the Hon’ble Supreme Court would have no bearing on the position of the latter.

80. I do not, however, require to answer the submissions of the learned Advocate General built on the *defacto doctrine*, since I am certain that it is unnecessary for me to do so. This is because, what is being considered by this Court is not the validity of the actions of the Vice Chancellor while she was in office, but whether the term of the Pro-Vice

Chancellor could continue even after her term was quashed as being void *ab initio*. The *defacto doctrine* would come into play only to protect the actions of the Vice Chancellor; and, at the best, an argument can be impelled that the recommendation made by the said person, while in office, in favour of the Pro-Vice Chancellor is still protected. Of course, Sri.George Poonthottam, learned Senior Counsel, had intervened to say that the question whether such actions are valid or otherwise, is also a matter of dispute, which his client intends to take up legally in the days to come.

81. As far as the peculiar facts of this case are concerned, all I am required to consider is whether the Pro-Vice Chancellor can be construed to be still continuing, after the term of the Vice Chancellor had been quashed by the Supreme Court finding her appointment to be void *ab initio*. The words and directions of the Hon'ble Supreme Court cannot be taken lightly – it being binding on every citizen of the country under Article 141 of the Constitution of India – and has to be given its due seriousness and weight. When the Hon'ble Supreme Court quashed the appointment of the

Vice Chancellor as being void *ab initio*, it could only mean that she was never in office and without any term to her credit. Viewed from that perspective, when one reads Regulation 7.2 of the “UGC Regulations 2010” afore extracted, the Pro-Vice Chancellor can hold office only for a period which is co-terminus with that of the Vice Chancellor. Hence, if the Vice Chancellor had no term at all, then it would be rather puerile to even suggest that the Pro-Vice Chancellor obtains such independent term, or can continue until such time as the Vice Chancellor may have continued, but for her appointment being quashed.

82. This is why I said earlier that **Abdul Rahiman** (supra) has no bearing to the facts of this case; and in any event, a recommendation in favour of the Pro-Vice Chancellor never having been made by the Government, all which I am to consider is whether the Chancellor was justified in believing that Government did not want to make the same, for the afore reason.

83. There can be no doubt that a legitimate impression can be created that the Pro-Vice Chancellor is no longer in

office on account of Ext.P2 judgment; and hence, I cannot find fault with the Chancellor in having gathered so.

84. In my firm view, therefore, the Pro Vice Chancellor cannot obtain any term after Ext.P2 judgment of the Hon'ble Supreme Court; and it is even possible to impel a contention – as has been done by the Chancellor in this case – that his term is also to be construed as void *ab initio*. I do not, however, propose to declare so and leave it there.

85. That being so found, it is needless to say that no right inures to the Government to recommend the incumbent Pro Vice Chancellor under Section 13(7) of the "Act" as Vice Chancellor; and that such person also obtains no claim to be so appointed.

86. Moving on, two further aspects remain to be answered;

a) Whether the Chancellor was obliged to reply to Ext.P6 and consult the Government again and again; and

b) If the 3<sup>rd</sup> respondent is qualified to hold the post of Vice Chancellor under the provisions of the "UGC Regulations 2018".

87. On the first above, surely, it would have been in the best interest of comity between the two high functionaries of the State that the Chancellor had replied to Ext.P6, before appointing the 3<sup>rd</sup> respondent. In fact, this is agreed to by his learned Senior Counsel – Sri.S.Gopakumaran Nair also; but his explanation, as already stated above, was that this would only have been a formality because, when all the three choices in Section 13(7) of the “Act” stood disqualified, the Government could make no further recommendations under its purlieus, even if consulted again.

88. There is great force in the afore explication of the Chancellor because, Section 13(7) of the “Act” allows the Government to recommend only one among the three choices therein and no other. When all the three choices were rendered untenable as seen above, and when it became impossible for the Government to make any other recommendation under the “Act”, further deliberation/consultation would certainly have been reduced to complete futility.

89. Should the Chancellor had then left it there, and let

the office be unfilled?

90. Certainly not! Because it is the Chancellor who is the appointing Authority of the Vice Chancellor – both under the “UGC Regulations 2018” and under the “Act”.

91. Crucially, the Chancellor says that he, therefore, requested the University to forward the list of Professors in their services with requisite qualifications and experience under the “UGC Regulations 2018” for being appointed as the Vice Chancellor for the interim period till a validly constituted Selection Committee makes their recommendations, but that they could not do so since there are no Teaching Departments in the University, and consequentially, no Professors. This is confirmed by Sri.Elvin Peter – learned Standing Counsel for the University.

92. This Court is without doubt that when choices under Section 13(7) of the “Act” became disqualified or untenable, the Chancellor did the next best option to call for the list of qualified Professors of the University. However, when this was also rendered impossible as said above, the Chancellor

says that he asked the Director of Technical Education to furnish a list of qualified Professors with requisite experience as mandated by the 'UGC Regulations 2018' from the various Engineering Colleges in Kerala; but that this was unheeded, thus persuading him to request the Director of Technical Education herself to take over the mantle of the Vice Chancellor of the University.

93. He says that this Officer – who is the senior most of Professor of the Government Engineering Colleges in Kerala – 'politely refused' and hence that he was left without any other option but to appoint the 3<sup>rd</sup> respondent after evaluation of her very impressive credentials – she also being one of the senior most Professor in the Government Engineering Colleges and more importantly, the only one serving in Thiruvananthapuram, to be selected and appointed as the Vice Chancellor for the interim period.

94. It is very important that none of the afore statements of the Chancellor have been controverted or even challenged by the petitioner in the reply pleadings; and hence this Court is enjoined to accept them as being true.

95. In such backdrop, if the 3<sup>rd</sup> respondent is indeed qualified as per the “UGC Regulations 2018”, and has been chosen solely on the strength of her credentials and seniority, one cannot drop fault on the Chancellor.

96. Thus, the surviving issue is if the 3<sup>rd</sup> respondent is qualified to be appointed as the Vice Chancellor under the “UGC Regulations 2018”; and if she is the senior most in Kerala, as asserted both by the Chancellor and herself.

97. Interestingly, even though it is without dispute that 3<sup>rd</sup> respondent is working as a Senior Joint Director in the Directorate of Technical Education, the learned Advocate General impugns that she does not have the qualifications or requisite experience, under the “UGC Regulations 2018”, for being appointed as the Vice Chancellor.

98. The Chancellor has filed an additional statement dated 28.11.2022 asserting that the 3<sup>rd</sup> respondent’s credentials are impeccable and that she has all qualifications and experience required under the “UGC Regulations 2018” to be appointed as the Vice Chancellor; and this is affirmed by the said respondent also in her counter pleadings.

99. The counter affidavit and the additional counter affidavit filed by the 3<sup>rd</sup> respondent details her qualifications, credentials, research and administrative experience. The details, as provided in Ext.R3(a) Bio-data, produced along with her counter affidavit, run into several pages, enumerating large number of research publications and attendance/participation in national/international seminars/conferences. However, in the additional counter affidavit filed by the said respondent dated 24.11.2022, she has compendiously detailed her accomplishments in paragraphs 4 and 5, which are as under:

“4. The averments contained in paragraph 12 of the additional affidavit to the effect that the deponent is not qualified in terms of UGC Regulation 2018 is apparently without comprehending the Regulation in its entirety and the duties that are assigned to a Senior Joint Director, Technical Education. The deponent has more than 31 years of teaching experience of which she has 13 years of experience as Professor. She is continuing as a research supervisor with Kerala University and APJ Abdul Kalam Technological University supervising eight PhD students. She is the in-charge of the admissions to B.Tech (Evening Course), B.Tech (Lateral Entry), M.Tech (regular and Evening courses), BFA, MFA, MCA, and CSAB (Central Seat Allotment Board). The Government had published a handbook detailing the functions that are to be performed by a Senior Joint Director (Engineering College stream). It includes the following among the function:

**Senior Joint Director (Engineering College Stream)**

He will be in charge of the matters relating planning and purchase matters relating to all Engineering Colleges in the State and College of Fine Arts in charge of the admission and allocation of such candidates in the Engineering Entrance Examinations, to the various Engineering Colleges in the state. He shall monitor the Plan schemes in the Engineering Colleges and College of Fine Arts. The Senior Join Director (Engineering College Stream) shall have the following powers in respect of matters relating to Engineering Colleges both Government and Private:

5. The deponent is presently working as Senior Joint Director, Engineering College stream. From the duties assigned it can be seen that the duties that are performed by the deponent are, in an academic administrative organization on being promoted to the post of Principal and posted as Senior Joint Director. Until that period, the deponent was working as a Professor in the Engineering College from 2009 onwards w.e.f. 15.10.2009. The details of the participation of the deponent in the academic activity is given in Exhibit-R3(a) with around 90 International Publication in peer reviewed Journals and Conferences and more than 50 National publications. More than 40 research publications were submitted since 2019 with students as co-authors. From the above it can be seen that the statement contained in paragraph 12 of the affidavit filed by the State is without comprehending the requirement under clause 7.3 of the 2018 UGC Regulation and the duties and responsibilities of Senior Joint Director in the department of Technical Education as notified by the State in the handbook.”

100. The petitioner – Government of Kerala, however, has filed certain additional pleadings, styled as an additional reply affidavit dated 28.11.2022, producing therewith Exts.P9 to P12. Among the said documents, Ext.P9 has been produced

to show that the 3<sup>rd</sup> respondent is junior to various others in service; and Ext.P10 is the list of Principals of Engineering Colleges/Senior Joint Directors/Joint Directors/SPFU and others presently in service. In Ext.P10, the 3<sup>rd</sup> respondent has been shown as Rank No.10, with the earlier Vice Chancellor of the University - removed as per Ext.P2 judgment - placed as Rank No.6. If the said respondent is taken away from the scenario, Ext.P10 discloses that the 3<sup>rd</sup> respondent is Rank No.9 among the Professors in Government Engineering Colleges in Kerala.

101. That being said, the learned Advocate General vehemently argued that, even assuming that “UGC Regulations 2018” operate for appointment of Vice Chancellor in a ‘temporary vacancy’, 3<sup>rd</sup> respondent is not qualified, going by Ext.R3(a) Bio-data. He explained that this is because, said respondent was promoted as a non-cadre Professor on 15.10.2009 and then as a cadre Professor only on 21.12.2012 and therefore, that if she had to achieve 10 years of experience as a Professor, it would have been possible either on 15.10.2019 or 21.02.2022, depending upon

whether her experience as Professor in a non-cadre post could be reckoned. He showed me that, however, she was appointed as a Senior Joint Director, Directorate of Technical Education on 08.03.2019; and therefore, that whichever date as afore is taken, she would not have completed ten years of service as a Professor on that date.

102. Very interestingly, as an adjuvant contention, the learned Advocate General submitted that if the Chancellor was really interested in choosing any eligible Professor to be the Vice Chancellor of the University, nothing stopped him from selecting the present incumbent – Dr.S.Ayoob, occupying the post of Pro-Vice Chancellor, since he is also a Professor with requisite qualifications. He argued that if this had been done, then the twin requisites under the “UGC Regulations 2018” and Section 13(7) of the “Act” could have been fully complied with.

103. Though the afore submissions of the learned Advocate General may find luster at the first glance, it loses sheen immediately because, it is stated by Sri.S.Gopakumaran Nair, learned Senior Counsel for the

Chancellor, and supported by Sri.George Poonthottam, learned Senior Counsel for the 3<sup>rd</sup> respondent, that the aforementioned Dr.Ayoob is presently functioning only as an Associate Professor in an Aided College and is far junior to the 3<sup>rd</sup> respondent - who was working as a Professor in a Government Engineering College, which is a more reputed institution, as far as the situation in Kerala presently holds.

104. Of course, Sri.Elvin Peter.PJ. contested the statement of the Chancellor - that Dr.Ayoob is an Associate Professor - saying that he was selected as a Pro-Vice Chancellor, while he was the Principal of an Aided College and that he became a Professor with effect from 01.01.2009.

105. Sri.George Poonthottam – learned Senior Counsel, attempted to question the validity of the afore submissions of Sri.Elvin Peter on the strength of Ext.R1(i) pointing out that Dr.S.Ayoob is still working only as an Associate Professor.

106. I do not propose to enter into this controversy at all – it being completely unnecessary; since it is solely within the discretion of the Chancellor to choose the best among the choices to function as the Vice Chancellor, particularly when

it is only for a temporary period, that too a very short tenure.

107. This is more so because, as seen above, there is great dispute as to if Dr.Ayoob is a Professor; while there is no such *qua* the 3<sup>rd</sup> respondent.

108. There is no doubt, going by the materials on record, that the 3<sup>rd</sup> respondent is fully qualified to be a Vice Chancellor, particularly when Regulation 7.3 of the “UGC Regulations 2018” allows a person with experience as a Professor in a reputed Research/Academic/Administrative Organization also, to be appointed as such; and the fact that 3<sup>rd</sup> respondent is presently functioning as the Senior Joint Director - which is an extremely vital position in the Directorate of Technical Education, certainly justifies her choice especially, when there is absolutely nothing on record against her competence or caliber.

109. I must, at this juncture, point out a conspicuous irony in the inconsistent positions adopted by the petitioner as regards the 3<sup>rd</sup> respondent.

110. As is irrefutable from the pleadings in the writ

petition, the Government has called into question the appointment of the 3<sup>rd</sup> respondent not on the allegation that she lacks the qualifications to be appointed as the Vice Chancellor under the “UGC Regulations 2018”, but solely for the reason that the Chancellor has appointed her contrary to Section 13(7) of the “Act”. Their specific stand in this regard is that, while an appointment is made under the provisions of the aforesaid Section, the person whom they recommend need not satisfy the qualifications under the “UGC Regulations 2018”.

111. However, even though as an alternative contention - as said above - the learned Advocate General made extensive arguments, on the basis of the reply affidavits filed by the Government against the counter affidavits of the 3<sup>rd</sup> respondent that she is not qualified as per the “UGC Regulations 2018”.

112. Though the averments in the reply affidavit of the Government are very unspecific, the learned Advocate General vehemently submitted that if the tenure of the 3<sup>rd</sup> respondent as Professor is taken into account – which,

according to him, alone could have been done – it would be less than ten years. He supplemented it by saying that 3<sup>rd</sup> respondent was appointed as a Senior Joint Director in the Directorate of Technical Education on 08.03.2019 and since this is not a post which can be construed to be that of a Professor, her tenure after that could not have been reckoned; and hence that she became unqualified under the “UGC Regulations 2018”.

113. As I have already said above, the afore submissions of the learned Advocate General is perhaps on a wrong understanding of the “UGC Regulations 2018”, which prescribe that Vice Chancellor should be a distinguished Academician, with a minimum of ten years of experience in a University; or in a reputed Research and Academic Administrative Organisation.

114. Indubitably, hence, contrary to the assertion of the Government, it is not the experience as a Professor alone which is prescribed by the “UGC Regulations 2018”, but also the experience in Research and Academic Administrative Organisations.

115. But, to test the arguments of the learned Advocate General further, let us assume that the tenure of the candidate as a Professor alone can be reckoned.

116. It is not disputed that 3<sup>rd</sup> respondent became a Professor on 15.10.2019 in a non-cadre post; and then shifted to the cadre post on 21.02.2012. She was appointed by the Government themselves as Senior Joint Director, Directorate of Technical Education on 08.03.2019.

117. We will now examine the nature and status of the post of Senior Joint Director and how the appointments to this post are done.

118. For this, one needs to see the Special Rules for Kerala Technical Education Service, in which, the posts of Director of Technical Education and Joint Director (Engineering College Stream) are both included as Category 1 and 1(a) in Class A-Administration thereof. When it comes to the method of appointment to the post of Joint Director (Engineering College Stream), it stipulates that this shall be by (a) transfer of Principals of the Engineering Colleges; or (b) by promotion of Professors from Engineering Colleges.

119. It is without any difference of opinion between the parties that the post of Joint Director (Engineering College Stream) is designated as Senior Joint Director, Directorate of Technical Education. However, since the Rules refer to the original designation, I will continue to use the same in the following paragraphs.

120. The method of appointment to the post of Joint Director (Engineering College Stream) renders it undisputable that it is a promotion post from Professors; and is equivalent to that of the Principals of Engineering Colleges. When a Principal of an Engineering College is appointed by transfer as Joint Director (Engineering College Stream), he/she continues to be a Professor, being eligible or liable to be posted back as Principal on transfer.

121. As seen above, Regulation 7.3 of the "UGC Regulations, 2018" requires the Vice Chancellor to be a distinguished Academician with ten years of experience as Professor. It deliberately does not employ the words "teaching experience", as in the case of Associate Professors, because the post of Vice Chancellor is not a teaching post *per*

*se.*

122. That said, when the Joint Director (Engineering College Stream) is a promotion post from Professor; and equivalent to that of a Principal in an Engineering College, one fails to understand the purport of the argument of the Government, that 3<sup>rd</sup> respondent, on being appointed by transfer to the said post, ceases to be a Professor. Going by the Special Rules, Joint Director (Engineering College Stream) certainly continues to be equivalent to that of a Principal in an Engineering College; and consequently a Professor throughout the term.

123. Even though, as I have already said earlier, Regulation 7.3 of the “UGC Regulations 2018” prescribes only ten years of experience as a Professor – the 3<sup>rd</sup> respondent certainly having the same – it might also be necessary to see the functions of a Joint Director (Engineering College Stream).

124. I do not require to take any extra effort for this because, the Government themselves have produced the responsibilities of a Senior Joint Director (Engineering

College Stream) as Exhibits P11 and P12. It discloses that:  
*“as a Senior Joint Director (Engineering College Stream), the incumbent will be in charge of the matters relating planning and purchase matters relating to all Engineering Colleges in the State and College of Fine Arts in charge of the admission and allocation of such candidates in the Engineering Entrance Examinations, to the various Engineering Colleges in the state. He shall monitor the Plan schemes in the Engineering Colleges and College of Fine Arts. The Senior Joint Director (Engineering College Stream) shall have the following powers in respect of matters relating to Engineering Colleges both Government and Private:*

*1. He shall be in charge of the Training programs of the staff members in the Engineering Colleges. He shall also conduct demand survey of the Engineers in the various fields of Engineering and technology in the conventional and emerging areas and submit proposals to D.T.E. for new programs in the Engineering Colleges.*

*2. To inspect institutions both Government and Private under the Department of Technical Education as directed by*

*the D.T.E. on the basis of general or specific orders.*

*3. To sanction disposal of unserviceable articles whose book value does not exceed Rs.3,000/- in each case and their disposal subject to annual limit of Rs.50,000/- per rules.*

*4. To sanction subject to budget provision, maintenance and petty construction and repair works upto Rs.5,000/- in each case on a proper estimate.*

*5. To sanction printing of forms, circulars, pamphlets, application forms, prospectus, syllabi etc. in Government presses. Note:- Printing of new forms and registers should have the approval of Government.*

*6. To sanction subject to budget provision, maintenance and petty construction and repair works upto Rs.10,000/- in each case on a proper estimate.*

*7. To sanction appointments, promotion and transfers of the non-gazetted officers to the sanctioned posts in the Department excluding the ministerial staff and last grade staff subject to Public Service Commission recruitment rules and orders in force from time to time.*

*8. To function as a chairman of Public Examinations in*

*the absence of the D.T.E.*

*9. To approve the tour program and journey sanction of all the subordinate inspecting officers and to receive report of academic inspection, stock verification, Monitoring and Man power Assessment.*

*10. To formulate Plan schemes in the department and monitor appraise and evaluate the same.*

*11. To sanction appointments, promotions and transfers in respect of Tradesman and Trade Instructors to the sanctioned posts subject to the P.S.C. recruitment rules and orders in force from time to time.*

*12. To sanction appointments, promotions and transfers of Non-gazetted officers except ministerial and Last Grade officers in the Commercial Institutes, TGMT centres to the sanctioned posts subject to P.S.C. recruitment rules and orders from time to time.*

*13. Selection of candidates for sponsoring for short-term and long-term courses in respect of Engineering Colleges.*

*14. To collect details and data for legislative committee*

*Meetings.*

*15. The monitoring of SEP and TSP programs in respect of all institutions under the Department.*

*16. To incur all expenditure in connection with the conduct of Public Examinations in the department, subject to the rates which may be approved by Government.*

*17. To accept or reject certificates issued by the Boards of Education in other States for admission of candidates of educational institutions in this State under the Technical Education Department but not to Public Service.*

*18. To sanction the opening of new centres and cancellation of existing centres.*

*19. To appoint Chief Examiners, Examiners as paper setters for the several public examinations under the Technical Education Department.*

*20. To order reduction in emoluments upto 25% to persons appointed as Examiners, Chief Superintendents and Scrutiny officers for irregularities in connection with the examinations.*

*21. To sanction advances against examination*

*contingent charges upto Rs.10,000/- at one time subject to the provision in the budget. “*

125. To thus say short, the argument of the learned Advocate General, that 3<sup>rd</sup> respondent ceases to be a Professor when she was appointed as the Joint Director (Engineering College Stream) – concededly re-designated as Senior Joint Director, Directorate of Technical Education – can obtain no muster from any view or angle, going by the Special Rules for Kerala Technical Education Services. Added to this, the afore responsibilities of a Senior Joint Director would bring the same within the ambit of Regulation 7.3 of the “UGC Regulations 2018”, since it would inure to a candidate the experience in an Academic Administrative Organisation also.

126. The sole surviving question is whether the 3<sup>rd</sup> respondent has sufficient seniority, which persuaded the Chancellor to appoint her.

127. The answer to this is available from Ext.P10 produced by the Government themselves which shows, as seen above, that excluding the earlier Vice Chancellor of the

University, 3<sup>rd</sup> respondent is Ranked 9 therein. The first person in the said list is the Director of Technical Education who, the Chancellor says, was offered the post of Vice Chancellor, but refused to accept it; while, others are all functioning in various other places, including Idukki, Sreekrishnapuram, Wayanad, Kothamangalam, Kottayam and Kannur. The Chancellor explains that none of them could have been given the additional charge of Vice Chancellor of the University, which is headquartered in Thiruvananthapuram, when they were working far away. This justification is certainly compelling; and I do not see any reason to dispute it, particularly when Ext.P10 unequivocally records so.

128. In this context, I am certainly cognizant of the further submission of the learned Advocate General, that the statements of the Vice Chancellor do not disclose how and in what manner 3<sup>rd</sup> respondent was identified by him. He read me paragraphs 6, 7 and 8 of the Statement dated 08.11.2022, to show that the Chancellor incredulously says that he was *'provided with a list of Professors with AGP status by some*

*educationists who called on him and that the name of incumbent Director of Technical Education, Dr. Baiju Bai, was also included in the list'* (sic). He argued that this shows the rather casual manner in which the Chancellor had dealt with the whole issue, especially in having relied upon the inputs, which he says he obtained from 'some educationists'; and that this is totally unheard of in any acceptable procedure, particularly relating to the appointment of a person as vital as the Vice Chancellor.

129. There is some element of cause in the learned Advocate General saying as afore; and had the Chancellor appointed an unqualified or junior person as the Vice Chancellor of the University, certainly, this Court would have stepped in, because his averment, that he relied upon the inputs given by "some educationalists", would not normally appeal to a forensic mind.

130. However, as the afore discussion has now revealed, not only is the 3<sup>rd</sup> respondent fully qualified as per the "UGC Regulations 2018" to be appointed as the Vice Chancellor, she is at least the 8<sup>th</sup> or 9<sup>th</sup> senior most among all the

Professors in various Government Engineering Colleges in Kerala. Surely, the Chancellor would have been fully justified in identifying any of the other Professors senior to the 3<sup>rd</sup> respondent from Ext.P10 list, but his explanation to this - that all of them are functioning in far-off places, thus being incapacitated from taking over the additional function of the Vice Chancellor of the University - is wholly credible and acceptable.

131. In that sense, even when fingers could be pointed against the Chancellor in having relied upon the inputs of "some educationalists", in its final analysis, his choice cannot be found to be at fault; and in any event, there is not even a whisper or an assertion *sotto voce* by the Government, that he has acted with bias or *mala fides* in having appointed the 3<sup>rd</sup> respondent.

132. To paraphrase, when, through the exercise of identification engaged by the Chancellor can be alleged to be unconventional, he has been able to obtain - without any allegations of favoritism or partisanship - a duly qualified and senior person as the Vice Chancellor, there was no

requirement for the State to have challenged it; but, as seen afore, they have done so only in purported defense of Section 13(7) of the 'Act', which, as already declared, would now be not tenable.

133. A few words before parting are not merely apposite, but essential.

134. The litigants, as a rule, would always believe that their position is right and this is why they are goaded it to higher levels in pursuit of validation of their contentions.

135. However, when it comes to high constitutional public functionaries, the purpose of any litigation ought not to obtain a win, but to ensure that law is complied with and that constitutional imperatives are supported and achieved.

136. Any University has justification for its existence only in the pursuit of excellence for its students. The concept of Universities around the world is now obtaining a profound change, with innovations and breakthroughs in technology and thoughts, being the cornerstone of every educational endeavour. The COVID-19 pandemic scenario has shown how important Universities are, with the Oxford University

researching and creating a vaccine in record time; and with the Washington University being able to formulate a Nasal Vaccine for the first time in the world.

137. The importance of a University and its purpose can never be lost sight of or be understated; with its reputation being forged and built on the success of the students in the national and international arena. Reputation of a University once lost would be very difficult to redeem and I would expect the stakeholders to be fully aware of this, while any litigation or disputes are brought out into the public forum.

138. This does not mean that I am blaming anyone for having engaged in this litigation, since the growth and march of law obtain fruition through such processes; but, at the end of it, one has to effectively analyze whether the benefits would outweigh the damage caused by the open ventilation of disputes between two high constitutional functionaries; and what impact this would have on the students of the University, Academicians and the Public outside.

139. In that sense, perhaps it could have been better that the two functionaries had ironed out their differences -

as is normally done, when constitutional officers encounter varied opinion - but then this is only, at the best, a hope and can never be an advice, which this Court, in any case, does not intend to offer.

140. I am persuaded to the afore few words because the additional counter affidavit of the 3<sup>rd</sup> respondent has made very distressing assertions, namely that, though she had assumed charge of the Vice Chancellor on 03.11.2022, she has not been allowed to function on account of the non co-operation of the employees of the University; and that fifty of them are sitting in its front and her office, as if in a strike. She also avers that more than 4000 applications are pending with the University for certificate issuance; and that other services, like conduct of Examinations, answer scripts, evaluation etc. are also prejudiced.

141. Though no contra pleadings to this are filed by the University, Sri.Elvin Peter PJ. – the learned Standing Counsel, vehemently pointed out that all the files which are to be checked and signed by the 3<sup>rd</sup> respondent as the Vice Chancellor, had been forwarded to her; but that she has

chosen not to open or to act upon it.

142. This is precisely what this Court was apprehensive on the leveling of allegations and contra-allegations against each other by responsible Authorities of the University. Whatever be the correctness of the allegations made against each other, the fact remains that it is the students who are now put to extreme detriment. Hence, if the afore statement of Sri.Elvin Peter PJ. is correct, it is a matter that the Chancellor should take specific note of and take stringent action to resolve the imbroglio.

143. This is ever more since, the University in question has total monopoly over all technological disciplines, which is the linchpin of the wheels of development of a State or Nation; and if the students are to get the impression that their interests are forgotten on account of disputes - which are beyond their realm and concern - it would be a sad day for it, as also for the State of Kerala as a whole.

144. I can only, therefore, beseech the stakeholders to understand this and attempt to appoint a Vice Chancellor on regular basis without any delay; and this is certainly possible

because, going by the ratio of the various judgments of the Hon'ble Supreme Court, a Selection Committee has to be constituted with nominees of the UGC; of the Chancellor and the Syndicate of the University, which can be done quickly. If this is so, then the State should also be happy, because the tenure of the 3<sup>rd</sup> respondent as the Vice Chancellor could be confined to the smallest possible period.

145. As I have said above, the UGC makes their stand clear that they are willing to offer their nominee to the Selection Committee within a period of two weeks; and it is also similarly stated by the Chancellor. However, Sri.Elvin Peter P.J., learned Standing Counsel appearing for the University, says that he has no instructions in this regard and I do not blame him, because this Court had never asked him about this.

I, therefore, conclude with the afore observations; and resultantly close this writ petition without acceding to any of its prayers; however, directing the University, the Chancellor and the UGC to immediately act in unison to have the Selection Committee constituted and to appoint a Vice

Chancellor at the earliest, but not later than two or, at the best, three months from the date of receipt of a copy of this judgment.

As said above, this would also be in the interests of the State, because once a validly selected Vice Chancellor is appointed, the 3<sup>rd</sup> respondent's term would automatically end.

I fervently hope, the stakeholders remember that appointment of the 3<sup>rd</sup> respondent is for a very short period, which is not even worth a legal dispute, as long as she is qualified and having the requisite experience. I can, of course, only comment, but cannot command.

Sd/-  
**DEVAN RAMACHANDRAN**  
**JUDGE**

**APPENDIX OF WP(C) 35656/2022**

**PETITIONER EXHIBITS**

- EXHIBIT P1                    A TRUE PHOTOCOPY OF THE NOTIFICATION DATED NO.KTU/ASSISTANT VCS/19/2018 DATED 21.02.2019 OF THE REGISTRAR OF THE APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, EVIDENCING ASSUMPTION OF OFFICE OF THE VICE CHANCELLOR OF THE SAID UNIVERSITY BY DR.RAJASREE M S
- EXHIBIT P2                    A TRUE PHOTOCOPY OF THE JUDGMENT DATED 21.10.2022 OF THE HON'BLE SUPREME COURT IN CIVIL APPEAL NOS. 7634, 7635 OF 2022
- EXHIBIT P3                    A TRUE PHOTOCOPY OF THE LETTER NO. KTU/ASST(ADMIN)/1899/2019 DATED 22.10.2022 OF THE REGISTRAR OF THE APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY TO THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, HIGHER EDUCATION DEPARTMENT
- EXHIBIT P4                    A TRUE PHOTOCOPY OF THE LETTER NO. J3/285/2022/H.EDN DATED 22.10.2022 OF THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, HIGHER EDUCATION DEPARTMENT TO THE PRINCIPAL SECRETARY TO THE HON'BLE GOVERNOR
- EXHIBIT P5                    A TRUE PHOTOCOPY OF THE LETTER GS6-2838/2022 DATED 24.10.2022 FROM THE SECRETARY TO THE PRINCIPAL SECRETARY TO THE HON'BLE GOVERNOR
- EXHIBIT P6                    A TRUE PHOTOCOPY OF THE LETTER NO.J3/285/22/H.EDN DATED 28.10.2022
- EXHIBIT P7                    A TRUE PHOTOCOPY OF ORDER NO.GS6-

2838/2022 DATED 03.11.2022

EXHIBIT P8 ORDER NO.KTU/ASST(ADMIN)/3683/2019  
DATED 28.06.2019

EXHIBIT P9 A TRUE PHOTOCOPY OF THE GO(MS)  
NO.138/2022/H.EDN DATED 03.03.2022

EXHIBIT P10 A CHART SHOWING THE LIST OF PRINCIPALS  
/SENIOR JOINT DIRECTOR /JOINT DIRECTOR  
/DIRECTOR OF THE STATE PROJECT  
FACILITATION UNIT/JOINT DIRECTOR WHO  
ARE PRESENTLY IN SERVICE OF THE  
TECHNICAL EDUCATION DEPARTMENT, WITH  
THEIR SERVICE PARTICULARS

EXHIBIT P11 A TRUE PHOTOCOPY OF THE GO(MS)  
NO.82/94/H.EDN DATED 10.05.1994

EXHIBIT P12 A TRUE PHOTOCOPY OF THE OFFICE ORDER  
NO.EA3/21747/94 DATED 14.06.1994

**RESPONDENT EXHIBITS**

EXHIBIT R3(A) TRUE COPY OF THE BIO-DATA AND ACADEMIC  
CREDENTIALS OF THE DEPONENT/3RD  
RESPONDENT

EXHIBIT R3(B) TRUE COPY OF THE PROCEEDINGS  
NO.CAS/16152/20/DTE DATED 30.12.2021  
ISSUED BY THE DIRECTORATE OF TECHNICAL  
EDUCATION.

EXHIBIT R3(C) TRUE COPY OF THE PAY SLIP DATED  
13.09.2021 ACCEPTING THE  
RECOMMENDATION AND RECOGNIZING THE  
SAME ISSUED BY THE ACCOUNTANT GENERAL  
(A&E) KERALA, THIRUVANANTHAPURAM.

- EXHIBIT R3(D) TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O. (RT)NO.341/2012/H.EDN DATED 21.02.2012.
- EXHIBIT R3(E) TRUE COPY OF THE REQUEST FORWARDED THROUGH E-MA ON 4TH NOVEMBER 2022 BY THE PETITIONER TO THE DIRECTOR TECHNICAL EDUCATION.
- EXHIBIT R3(F) TRUE COPY OF THE REQUEST OF THE PETITIONER AND ITS REPLY DATED 4TH NOVEMBER 2022 ISSUED BY THE DIRECTOR TECHNICAL EDUCATION.
- EXHIBIT R3(G) A TRUE COPY OF THE ORDER BEARING NOTIFICATION NO.GS6-1062/2020(4) DATED 23/11/2022 ISSUED WITH COVERING LETTER ISSUED FROM THE OFFICE OF THE HON'BLE CHANCELLOR BEARING NO.GS3-1062/2020 DATED 23/11/2022.
- EXHIBIT R3(H) A TRUE COPY OF THE REPRESENTATION BEARING LR.NO.007/PETITIONS/2022 DATED 26/11/2022 CONTAINING THE PARTICULARS OF PENDING APPLICATIONS FOR ISSUANCE OF CERTIFICATE IN THE UNIVERSITY ISSUED BY THE PRESIDENT, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY STAFF ORGANIZATION.
- EXHIBIT R3(i) TRUE COPY OF THE ORDER BEARING U.O.NO.2048/2022/KTU DATED 23.08.2022 CONTAINING THE LIST OF FACULTIES ISSUED BY THE 2ND RESPONDENT UNIVERSITY.
- ANNEXURE R1(a) TRUE COPY OF THE NOTIFICATION DATED 03.11.2022.
- ANNEXURE R1(b) TRUE COPY OF THE JUDGMENT DATED 21.10.2022 OF THE APEX COURT IN CIVIL

**WP(C) NO. 35656 OF 2022**

**-78-**

APPEAL NOS.7634-7635 OF 2022.

ANNEXURE R1 (c) TRUE COPY OF THE LETTER DATED  
24.10.2022.

ANNEXURE R1 (d) TRUE COPY OF THE LETTER OF STATE  
GOVERNMENT DATED 11.12.2017.

ANNEXURE R4 (a) TRUE COPY OF THE COUNTER AFFIDAVIT  
EXECUTED BY THE EDUCATION OFFICER, UGC