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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33820 OF 2022

PETITIONER:

SABU THOMAS, AGED 62, S/O. THOMAS,
VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM,
RESIDING AT CHATHUKULAM HOUSE,
PERUMPAIKADU, KOTTAYAM - 16.

BY ADVS. SRI.ELVIN PETER P.J.
K.R.GANESH
GOURI BALAGOPAL
SREELEKSHMI A.S.
ABHIJITH.K.ANIRUDHAN

RESPONDENTS:

- 1 THE CHANCELLOR, MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM - 686 560.
- 2 THE STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYADARSHINI HILLS, KOTTAYAM - 686 560.

BY ADVS. K.JAJU BABU (SR.)
SHRI.SURIN GEORGE IPE, SC
SMT.M.U.VIJAYALAKSHMI, SC
SRI.ASOK M.CHERIAN, ADDL AG
SRI.S.KANNAN SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24.10.2022 ALONG WITH WP(C).33822/2022 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33828 OF 2022

PETITIONER:

DR.V.P.MAHADEVAN PILLAI, AGED 63,
S/O. PAPPUKUTTY PILLAI, VICE CHANCELLOR,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM
695 034, RESIDING AT SIVAPRIYA,
ARCHANA NAGAR, PONGUMOODU, MEDICAL
COLLEGE P.O, THIRUVANANTHAPURAM 695011.

BY ADVS. SRI.P.RAVINDRAN (SR.)
M.A.ASIF
ATHUL SHAJI

RESPONDENTS:

- 1 THE CHANCELLOR, UNIVERSITY OF KERALA,
KERALA RAJ BHAVAN, THIRUVANANTHAPURAM 695 099.
- 2 THE UNIVERSITY OF KERALA, REPRESENTED BY ITS
REGISTRAR, THIRUVANANTHAPURAM 695 034.
- 3 GOVERNMENT OF KERALA REP.BY PRINCIPAL
SECRETARY, DEPARTMENT OF HIGHER EDUCATION,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM 695 001.

BY ADVS. K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC,
SRI.ASOK M.CHERIAN, ADDL. AG
SRI S.KANNAN-SR GP
SRI.THOMAS ABRAHAM, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022 ALONG WITH WP(C).33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP (C) NO. 33822 OF 2022

PETITIONER:

M.K.JAYARAJ, AGED 61 YEARS, S/O.KUNJUKUTTAN
EZHUTHACHAN, VICE CHANCELLOR, UNIVERSITY OF
CALICUT, RESIDING AT 'VAISHAKAM', JUDGE MUK,
THRIKKAKKARA,
COCHIN-21

BY ADV M.SASINDRAN

RESPONDENTS:

- 1 THE CHANCELLOR, UNIVERSITY OF CALICUT
KERALA RAJ BHAVAN, THIRUVANANTHAPURAM-695 001
- 2 STATE OF KERALA REPRESENTED BY SECRETARY TO
GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001
- 3 UNIVERSITY OF CALICUT REP.BY ITS REGISTRAR,
THENJIPALAM, MALAPPURAM DISTRICT-673 635

BY ADVS. K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC
SRI.P.C.SASIDHARAN, SC
SRI.ASOK M.CHERIAN, ADDL. AG
SRI.S.KANNAN SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022 ALONG WITH WP(C)NO.33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33821 OF 2022

PETITIONER:

DR. K.N.MADHUSOODANAN, VICE CHANCELLOR,
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
THRIKKAKARA, KOCHI 682022.

BY ADV P.C.SASIDHARAN

RESPONDENTS:

- 1 THE CHANCELLOR, COCHIN UNIVERSITY OF SCIENCE
& TECHNOLOGY, KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM 695 099.
- 2 STATE OF KERALA REPRESENTED BY THE SECRETARY
TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 3 COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
THRIKKAKARA, KOCHI 682 022, REP.BY ITS
REGISTRAR.

BY ADVS.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC
SRI.S.P.ARAVINDAKSHAN PILLAY, SC
SRI.ASOK M.CHERIAN, ADDL. AG
SRI.S.KANNAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022 ALONG WITH WP(C)NO.33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33824 OF 2022

PETITIONER:

DR.V.ANIL KUMAR, VICE CHANCELLOR, THUNCHATH
EZHUTHACHAN MALAYALAM UNIVERSITY, VAKKAD P.O.,
TIRUR, MALAPPURAM DISTRICT- 676 502.

BY ADVS. SRI.N.RAGHURAJ
VIVEK MENON

RESPONDENTS:

- 1 THE CHANCELLOR, UNIVERSITY OF KERALA,
KERALA RAJ BHAVAN, RAJ BHAVAN ROAD,
VELLAYAMBALAM JUNCTION, THIRUVANANTHAPURAM
695 099
- 2 THE THUNCHATH EZHUTHACHAN MALAYALA UNIVERSITY
VAKKAD P.O, TIRUR, MALAPPURAM DISTRICT-676 502,
REPRESENTED BY ITS REGISTRAR.
- 3 THE STATE OF KERALA REP.BY THE PRINCIPAL
SECRETARY TO THE GOVERNMENT, HIGHER EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.

BY ADVS. SRI. K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC
SRI.P.C.SASIDHARAN, SC
SRI.ASOK M.CHERIAN, ADDL. AG
SRI.S.KANNAN, SR. GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022 ALONG WITH WP(C)NO.33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33823 OF 2022

PETITIONER:

DR. M.V.NARAYANAN, VICE CHANCELLOR,
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT,
KALADY, KALADY P.O., ERNAKULAM DISTRICT,
KERALA - 683 574

BY ADVS. SRI. M.P.SREEKRISHNAN
A.MUHAMMED MUSTHAFA

RESPONDENTS:

- 1 CHANCELLOR, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, KALADY P.O., ERNAKULAM DISTRICT, KERALA - 683 574
- 2 THE STATE OF KERALA REP. BY ITS CHIEF SECRETARY TO GOVERNMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
- 3 DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, ANNEXE - 2, 4TH FLOOR, THIRUVANANTHAPURAM - 695 001.
- 4 SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY REP. BY ITS REGISTRAR, KALADY P.O., ERNAKULAM DISTRICT, KERALA - 683 574

BY ADVS. SRI. K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC
SRI.DINESH MATHEW J.MURIKAN, SC
SRI.ASOK M.CHERIAN, ADDL. AG
SRI.S.KANNAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022 ALONG WITH WP(C)NO.33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33826 OF 2022

PETITIONER:

DR. GOPINATH RAVINDRAN, S/O. LATE P. RAVINDRAN,
AGED 61 YEARS, RESIDING AT ALUKKAL TERRACE,
PAYYAMBALAM, KANNUR DISTRICT, 670 001.
(VICE CHANCELLOR, KANNUR UNIVERSITY,
THAVAKKARA,
KANNUR - 670 002).

BY ADVS.SRI.RANJITH THAMPAN (SR.)
V.M.KRISHNAKUMAR

RESPONDENTS:

- 1 CHANCELLOR, KANNUR UNIVERSITY,
RAJ BHAVAN, THIRUVANANTHAPURAM 695 001.
- 2 STATE OF KERALA, REP. SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 3 KANNUR UNIVERSITY REPRESENTED BY REGISTRAR,
THAVAKKARA, KANNUR 670002.

BY ADVS.SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC
SRI.ASOK M.CHERIAN, ADDL.AG
SRI.S.KANNAN, SR.GP
SRI.I.V.PRAMOD, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022 ALONG WITH WP(C)NO.33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 24TH DAY OF OCTOBER 2022 / 2ND KARTHIA, 1944

WP(C) NO. 33825 OF 2022

PETITIONER:

DR K. RIJI JOHN, S/O. K.C. JOHN,
AGED 59 YEARS, VICE CHANCELLOR, THE KERALA
UNIVERSITY OF FISHERIES AND OCEAN STUDIES,
PANANGAD P.O., ERNAKULAM DISTRICT,
KOCHI - 682 506, RESIDING AT VC QUARTERS,
1ST FLOOR, GUEST HOUSE KUFOS, MADAVANA,
PANANGAD, KOCHI - 682 506

BY ADVS. SRI.SANTHEEP ANKARATH
K.P.SUDHEER
J.RAMKUMAR
P.K.SURESH KUMAR (SR.)

RESPONDENTS:

- 1 THE CHANCELLOR, THE KERALA UNIVERSITY OF
FISHERIES AND OCEAN STUDIES, KERALA RAJ
BHAVAN, KERALA GOVERNOR'S CAMP P.O.,
THIRUVANANTHAPURAM - 695 009
- 2 STATE OF KERALA REPRESENTED BY PRINCIPAL
SECRETARY, DEPARTMENT OF FISHERIES,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001
- 3 THE KERALA UNIVERSITY OF FISHERIES AND OCEAN
STUDIES, PANANGAD P.O., ERNAKULAM DISTRICT
682 506, REPRESENTED BY ITS REGISTRAR.

BY ADVS. SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI, SC
SRI.ASOK M.CHERIAN, ADDL.AG
SRI.S.KANNAN, SR.GP
SRI.N.SATHEESH, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.10.2022, ALONG WITH WP(C)NO.33820/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

[WP (C) Nos. 33820/2022, 33821/2022, 33822/2022, 33823/2022,
33824/2022, 33825/2022, 33826/2022, 33828/2022]

In a rather unusual sight, the Vice Chancellors of eight Universities in Kerala have approached this Court, through the afore different writ petitions.

2. Since the petitioners in these matters have sought similar reliefs, hypostised on comparable factual pleadings; and because the impugned proceedings is the same in all of them, I have heard the afore writ petitions together and proceed to dispose them of jointly.

3. At the core of the allegations of the petitioners is the imputation that the Chancellor of the Universities – of which they are the Vice Chancellors - issued an analogously worded communication dated 23.10.2022 to each of them, informing that '*they are all ceased to be the Vice Chancellor of respective University with effect from 21.10.2022*' (sic); and thus asking them to '*submit your resignation by 11.30 a.m. on 24.10.2022*' (sic).

4. The petitioners vehemently assert that the afore communications are *per se* illegal, incompetent and beyond the jurisdiction of the Chancellor to have issued them.

5. The petitioners singularly predicate that, subject to the differences in the nuances of the factual factors presented and involved in each of their cases, the judgment of the Hon'ble Supreme Court referred to by the Chancellor of the Universities, in the impugned communications, have no bearing on their appointments or on the facts involved in their individual scenario; but that even without giving them an opportunity of explaining so, the afore declaration has been thrust upon them; thus justifying their legitimate apprehension that they will have to cease their office as Vice Chancellors forthwith.

6. I have heard Sri.P.Ravindran, learned Senior Counsel, instructed by Sri.M.A.Asif, appearing for the petitioner in W.P.(C)No. 33828/2022; Sri.Renjith Thampan, learned Senior Counsel, instructed by Sri.Krishnakumar, appearing for the petitioner in W.P.(C)No. 33826/2022; Sri.P.C.Sasidharan, learned counsel appearing for the petitioners in W.P.(C)No.33821/2022; Sri.Elvin Peter.P.J., learned

counsel appearing for the petitioner in W.P.(C)No.33820/2022; Sri.N.Raghuraj, learned counsel appearing for the petitioner in W.P.(C)No.33824/2022; Sri.M.Sasindran, learned counsel appearing for the petitioner in W.P.(C)No.33822/2022; Sri.M.P.Sreekrishnan, learned counsel appearing for the petitioner in W.P.(C)No.33823/2022; Sri.Santheep Ankarath, learned counsel appearing for the petitioner in W.P.(C)No.33825/2022; Sri.Jaju Babu, learned Senior Counsel, instructed by Smt.M.U.Vijayalakshmy, learned Standing Counsel for the Chancellor of the Universities and Sri.Asok M.Chерian, learned Additional Advocate General, instructed by Sri.S.Kannan, learned Senior Government Pleader, appearing for the State of Kerala in all these matters.

7. Sri.P.Ravindran and Sri.Ranjith Thampan, learned Senior Counsel, made very assertive submissions with respect to the manner in which the impugned communications have been issued by the Chancellor of the Universities. Their argument was that, as long as the respective parent Acts applicable to the Universities do not provide any power to the Chancellor, to either declare the appointments of Vice

Chancellors to be illegal, or to cancel the same on any ground other than what is enumerated in it, he could not have acted as has been reflected in these cases. They also imputed that the action of the Chancellor is in flagrant violation of the principles of fair play and natural justice, since even the parent Acts provide the petitioners an opportunity to explain - but without admitting that he has jurisdiction to call for such; and hence that their removal is *per se* incompetent, especially when imposed with less than 24 hours notice.

8. Sri.Elvin Peter, learned counsel appearing for the Vice Chancellor of Mahatma Gandhi University - the petitioner in W.P.(C)No. 33820/2022, in addition, argued that the judgment of the Hon'ble Supreme Court, referred to by the Chancellor of the Universities in the impugned communications, namely **Professor (Dr.) Sreejith P.S. v. Dr.Rajasree M.S. & Ors.** (Civil Appeal Nos.7634-7635 of 2022), would not apply to the appointments of any of the petitioners in this batch, because the Hon'ble Court had delivered the same in the backdrop of the 2010 Regulations of the University Grants Commission (UGC), as amended by its 2013 notification; while all the petitioners in these

cases were appointed under the 2018 Regulations of the UGC, which are completely distinct. He then adopted the other submissions of the learned Senior Counsel as afore.

9. Sri.P.C.Sasidharan, learned counsel appearing for the petitioner in W.P.(C)No.33821/2022 - who is the Vice Chancellor of the Cochin University of Science and Technology, submitted that even if the appointment of a Vice Chancellor may be null or void, the Chancellor cannot act *suo motu* or unilaterally and has to await someone to challenge it before this Court, through the plea for issuance of a writ of quo warranto; and that the judgment in **Sreejith** (supra) was delivered *in personam*, hence incapable of being used as a standard to assess the validity of the appointments of other Vice Chancellors in the State.

10. Sri.N.Raghuraj and Sri.M.Sasindran, learned counsel appearing for the Vice Chancellors of Thunchath Ezhuthachan Malayalam University and Calicut University respectively, took me extensively through the parent Acts of the said Universities, to argue that when the Chancellor is not vested with any power to remove the Vice Chancellor, he could not only have issued the impugned

communications, but cannot initiate action against them in future.

11. As far as Sri.M.P.Sreekrishnan, the learned counsel appearing for the petitioner in W.P.(C)No.33823/2022 - Vice Chancellor of Sree Sankaracharya University of Sanskrit, Kalady, is concerned, he had an adscititious argument that, though the Act applicable to the said University allows the Chancellor to act against the Vice Chancellor, *inter alia*, on 'good and sufficient grounds', it will still require an enquiry to be done through a committee as stipulated therein. He then pointed out that, going by Exhibit P6 produced in the said writ petition, the Search Committee had found his client to be imminent and extra ordinary; and therefore, that his candidature was proposed by it unanimously, in preference to other six candidates. He also thus prayed that the impugned communication of the Chancellor be set aside.

12. Sri.Santheep Ankarath, learned counsel appearing for the petitioner in W.P.(C)No.33825/2022 - the Vice Chancellor of KUFOS, attempted a deviation from the afore contentions, saying that, as far as the Act of the said University is concerned, what is required is that

there should be a panel of not more than three candidates to be placed before the Chancellor; and hence that said panel can also have a single name. He then argued that the 'UGC Regulations' do not apply either to his client or to the University; and that, in any case, the Chancellor could not have acted in the manner as he has now done, because his client's appointment is already under challenge in W.P.(C)No. 16475/2021, at the instance of another person, through the plea for issuance of a writ of quo warranto. He contended that, therefore, the Chancellor could not have issued the impugned communications.

13. Sri.Jaju Babu, learned Senior Counsel, instructed by Smt.M.U.Vijayalakshmi, learned Standing Counsel for the Chancellor of the Universities involved – who is the same Authority, *ex officio* in his capacity as the Governor of the State - in response, argued that the impugned communications were issued in good faith and with an intent to notify and inform each of the Vice Chancellors that, going by the various judgments of the Hon'ble Supreme Court, their appointments are not only untenable but *void ab initio*. The learned Senior Counsel, thereafter, asserted that, it is solely to save them of the

ignominy of facing such removal, that the Chancellor offered them the option of an honourable exit, by tendering their resignations, so as to pave way for initiation of fresh processes for the appointment of new Vice Chancellors, in terms of the inviolable holdings of the Hon'ble Supreme Court. He vehemently submitted that his client has acted wholly *bona fide*, without any intent to cause consternation to any of the Vice Chancellors; and that he had no other option, but to initiate action because, as is perspicuous from the judgments of the Hon'ble Supreme Court in **State of West Bengal v. Anindya Sunder Das & Ors.** (Civil Appeal No.6706/2022) and **Gambhirdan K Gadhvi v. State of Gujarat and Others** (2022 (2) KLT Online 1106), the Chancellor of the Universities involved in those cases was even found fault with in not having followed the specific declarations made therein. He explained that, it is solely in such circumstances, his client was constrained to act, particularly in view of **Sreejith** (supra), which relates to a University in Kerala.

14. The learned Senior Counsel thereafter submitted that, since none of the Vice Chancellors accepted the option of tendering

their resignations, the Chancellor intends to now initiate appropriate action against them, in implicit obedience to the judgments of the Hon'ble Supreme Court; for which purpose, they have already been served with notices asking them to show cause by 03.11.2022. He concluded his submissions saying that it is only after the explanation of each of the petitioners in these cases is considered by the Chancellor in its proper perspective, will he take any further action, as may be warranted under the judgments of the Hon'ble Supreme Court and the law which governs the field.

15. Sri.Asok M.Chcrian, learned Additional Advocate General, interestingly, submitted that the State do not and does not intend to take sides with either the Chancellor or the Vice Chancellors and that the Government will abide by the directions to be issued by this Court.

16. The rival positions of all parties being thus recorded, I must say that the submissions of Sri.Jaju Babu, learned Senior Counsel for the Chancellor, clear the air to a large and substantial extent, as far as the specific controversy projected in these cases.

17. I say as afore since, *prima facie*, this Court has reservations regarding the impugned communications issued by the Chancellor because: for the first, it asks the Vice Chancellors to tender their resignations, and that too within the shortest period possible; and, for the second, it declares that they have ceased to be the Vice Chancellors with effect from 21.10.2022.

18. I do not require to expatiate, nor do I need to rely on any precedents, to declare that no one can be legally forced to tender resignation. Pertinently, Sri.Jaju Babu explains this, saying that the Chancellor was only offering an advice, so as to save the Vice Chancellors from the fate of being removed from office *ab initio*. Obviously, this Court cannot grant imprimatur to any such advice, and for that reason alone, the impugned communications will have to fail.

19. For the second, as I have already said above, the Chancellor has declared that the Vice Chancellors involved in these cases have ceased to be in office after 21.10.2022. Apart from the fact that no such 'declaration' could have been made by the Chancellor without following due procedure, I completely fail to gather and

fathom the purport of his afore statement because, hypothetically speaking, if, as per the conclusions of the Hon'ble Supreme Court in the afore cited precedents, had any or all of the vitiating factors stated therein become attached to the petitioners, or to any one of them, their appointments are not illegal or untenable from 21.10.2022 alone, the Hon'ble Court having specifically used the phrase '*void ab initio*'.

20. That being said, since Sri.Jaju Babu, learned Senior Counsel, now says that the Chancellor himself has issued fresh notices to each of the petitioners - which is affirmed at the Bar by their respective learned counsel - asking them to show cause why action could not be taken against them, I am certain that the relevance of the impugned communications is, by far, lost.

21. This is unmistakable because, once the Chancellor apparently has offered the petitioners an opportunity to show cause against certain action proposed by him, it ineluctably means that they are still in service and certainly eligible to continue as Vice Chancellors, until such time as their term of office expires, or until they are removed as per law.

In summation, the afore writ petitions are allowed and the impugned communications/orders of the Chancellor of the Universities involved in these cases, are hereby set aside.

After I dictated this judgment, Sri.Ranjith Thampan, learned Senior Counsel and certain other learned counsel for the petitioners, requested this Court to record their clients' objections *qua* the show cause notices stated to have been issued to them by the Chancellor. I am afraid that it is not available to them to urge so in these writ petitions because, the said notices are not under challenge.

Sd/-
Devan Ramachandran, Judge

tkv

APPENDIX OF WP(C) 33828/2022

PETITIONER EXHIBITS:

- Exhibit P1 A TRUE COPY OF THE NOTIFICATION NO.GS6-4125/2017 DATED 20.01.2018 ISSUED BY THE IST RESPONDENT CONSTITUTING THE SEARCH AND SELECTION COMMITTEE TO MAKE RECOMMENDATIONS.
- Exhibit P2 TRUE COPY OF THE ORDER NO.GS6-4125/2017 DATED 24.10.2018 OF THE IST RESPONDENT APPOINTING THE PETITIONER.
- Exhibit P3 TRUE COPY OF THE NOTIFICATION NO.AD.A1.2/ 46621/2018-4125/2017 DATED 25.10.2018 OF THE 2ND RESPONDENT.
- Exhibit P4 TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 23.10.2022 OF THE PRINCIPAL SECRETARY TO THE IST RESPONDENT.
- Exhibit P5 A TRUE COPY OF THE JUDGMENT OF THE HONOURABLE SUPREME COURT DATED 21.10.2022 IN CIVIL APPEAL NOS.7634-7635 OF 2022.
- Exhibit P6 A TRUE COPY OF THE REPLY LETTER OF THE PETITIONER DATED 24.10.2022.

APPENDIX OF WP(C) 33822/2022

PETITIONER EXHIBITS:

- Exhibit P1 A TRUE COPY OF THE NOTIFICATION NO.GS3-1120/2019(3) DATED 02.03.2020 ISSUED ON BEHALF OF THE CHANCELLOR, CONSTITUTING SELECTION COMMITTEE.
- Exhibit P2 A TRUE COPY OF THE ORDER NO.GS3-1120/2019(5) DATED 11.07.2020 ISSUED ON BEHALF OF THE CHANCELLOR
- Exhibit P3 A TRUE COPY OF THE JUDGMENT DATED 21.10.2022 IN CIVIL APPEAL 7634-7635/2022 OF THE SUPREME COURT.
- Exhibit P4 A TRUE COPY OF THE ORDER NO.GS6-1225/22 DATED 23.10.2022 ISSUED BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.

APPENDIX OF WP(C) 33821/2022

PETITIONER EXHIBITS:

Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER
NO.GS5-2320/2018 DATED 24/4/2019 ISSUED
BY THE PRINCIPAL SECRETARY TO THE
GOVERNOR

Exhibit P2 TRUE COPY OF THE ADVISORY REQUEST
RECEIVED BY THE PETITIONER FROM THE 1ST
RESPONDENT DATED 23/10/2022.

Exhibit P3 TRUE COPY OF THE JUDGMENT IN CIVIL
APPEAL NOS.7634-7635 OF 2022 DATED
21/10/2022.

APPENDIX OF WP(C) 33824/2022

PETITIONER EXHIBITS:

- Exhibit P1 TRUE PHOTOCOPY OF THE NOTIFICATION
PUBLISHED IN WEBSITE OF THE THIRD
RESPONDENT.
- Exhibit P2 TRUE PHOTOCOPY OF THE NOTIFICATION
BEARING NO.GS5.1934/2017 DATED
16.12.2017, ISSUED BY THE 1ST RESPONDENT
- Exhibit P3 TRUE PHOTOCOPY OF THE ORDER/NOTIFICATION
BEARING NO.GS5.1934/2017 DATED
27.02.2018 ISSUED BY THE 1ST RESPONDENT
- Exhibit P4 TRUE PHOTOCOPY OF THE
COMMUNICATION/ORDER BEARING NO.GS6-1225
DATED 23.10.2022 ISSUED BY THE PRINCIPAL
SECRETARY TO THE GOVERNOR.

APPENDIX OF WP (C) 33823/2022

PETITIONER EXHIBITS:

- Exhibit P1 A TRUE COPY OF THE NOTIFICATION, DATED
02.09.2021 ISSUED BY THE GOVERNOR'S
SECRETARIAT KERALA RAJ BHAVAN
- Exhibit P2 A TRUE COPY OF THE NOTIFICATION DATED
05.11.2021 ISSUED BY THE GOVERNOR'S
SECRETARIAT KERALA RAJ BHAVAN
- Exhibit P3 A TRUE COPY OF THE NOTIFICATION, DATED
09.09.2021, ISSUED BY THE ADDITIONAL
CHIEF SECRETARY TO GOVERNMENT, HIGHER
EDUCATION DEPARTMENT
- Exhibit P4 A TRUE COPY OF THE APPLICATION, DATED
01.10.2021 PREFERRED BY THE PETITIONER
- Exhibit P5 A TRUE COPY OF THE NOTIFICATION, DATED
07.03.2022 OF APPOINTMENT OF THE
PETITIONER
- Exhibit P6 A TRUE COPY OF THE COMMUNICATION, DATED
23.10.2022 ISSUED BY THE SECRETARY TO
GOVERNOR
- Exhibit P7 A TRUE COPY OF THE MINUTES, DATED
06.12.2021 OF THE MEETING OF SEARCH-CUM-
SELECTION COMMITTEE
- Exhibit P8 A TRUE COPY OF THE RELEVANT EXTRACT OF
CLAUSE 7.3.(ii) OF UGC REGULATIONS, 2018
- Exhibit P9 A TRUE COPY OF THE COMMUNICATION, DATED
14.10.2022

APPENDIX OF WP(C) 33825/2022

PETITIONER EXHIBITS:

- EXHIBIT P1 A TRUE COPY OF APPOINTMENT ORDER NO.GS3-1062/2020(3) DATED 23.1.2021 ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2 A TRUE COPY OF THE STATEMENT FILED BY THE STANDING COUNSEL FOR THE 1ST RESPONDENT ON BEHALF OF THE 1ST RESPONDENT AND DATED 12.11.2021 IN WP(C) NO.16457/2021 BEFORE THIS HON'BLE COURT
- EXHIBIT P3 A TRUE COPY OF THE COMMON JUDGMENT DATED 21.10.2022 IN CIVIL APPEAL NOS.7634 - 7635 OF 2022 PASSED BY HONOURABLE SUPREME COURT
- EXHIBIT P4 TRUE COPY OF LETTER NO.GS6-1225/2022 DATED 23.10.2022 ISSUED BY THE 1ST RESPONDENT AND RECEIVED BY THE PETITIONER BY EMAIL

APPENDIX OF WP(C) 33820/2022

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE ORDER NO.GS5-2030/18
DATED 27.05.2019 ISSUED BY THE 1ST
RESPONDENT APPOINTING THE PETITIONER AS
THE VICE CHANCELLOR

Exhibit P2 TRUE COPY OF THE LETTER NO.GS6-1225/2022
DATED 23.10.2022 ISSUED BY THE 1ST
RESPONDENT SIGNED BY THE SECRETARY TO
THE GOVERNOR TO VICE CHANCELLORS OF THE
NINE UNIVERSITIES IN THE STATE OF KERALA
INCLUDING THE PETITIONER.