

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 11TH DAY OF APRIL 2023 / 21ST CHAITHRA, 1945

WP(C) NO. 31506 OF 2022

PETITIONER:

DR. NAVEEN PRAKASH NAUTIYAL
AGED 39 YEARS
EDUCATIONIST, NEAR NAGAR PALIKA, SRINAGAR GARHWAL,
DISTRICT-PAURI GARHWAL UTTARAKHAND, PIN - 246174

BY ADVS.

JAYASREE K.P.
JOHN JOSEPH

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF EDUCATION (EARLIER MINISTRY OF HUMAN
RESOURCES DEVELOPMENT)
DEPARTMENT OF HIGHER EDUCATION, SHASTRI BHAVAN,
DR RAJENDRA PRASAD ROAD, NEW DELHI, PIN - 110001
- 2 THE CENTRAL UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA, PIN - 671316
- 3 PROF. H. VENKATESHWARLU
AGED 63 YEARS
VICE CHANCELLOR, CENTRAL UNIVERSITY OF KERALA,
TEJASWINI HILLS, PERIYE (PO), KASARAGOD,
KERALA, PIN - 671316
- 4 UNIVERSITY GRANTS COMMISSION, (UGC)
BAHADUR SHAH ZAFAR MARG, NEW DELHI,
REPRESENTED BY ITS CHAIRMAN, PIN - 110002
- 5 THE CHANCELLOR
CENTRAL UNIVERSITY OF KERALA, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA, PIN - 671316
- 6 SEARCH CUM SELECTION COMMITTEE
CENTRAL UNIVERSITY OF KERALA, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA-671316
REPRESENTED BY ITS CONVENOR, DR. ASHOK GAJANAN MODAK

RESIDING AT 101, KINGSTON B, HIGH STREET NEAR D
MART, HIRANANDANI GARDEN POWAI, MUMBAI 400076

7 THE VISITOR-CENTRAL UNIVERSITY OF KERALA
CENTRAL UNIVERSITY OF KERALA, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA, PIN - 671316

BY ADVS.

S.MANU, DSG

K.RAMAKUMAR (SR.)-R2

S.P.ARAVINDAKSHAN PILLAY(K/000292/77)-R3

S.KRISHNAMOORTHY, CGC

T.RAMPRASAD UNNI

S.M.PRASANTH -R2

N.SANTHA

V.VARGHESE

PETER JOSE CHRISTO

S.A.ANAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11.04.2023, ALONG WITH WP(C).32313/2022,
38110/2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 11TH DAY OF APRIL 2023 / 21ST CHAITHRA, 1945

WP(C) NO. 32313 OF 2022

PETITIONER:

PROF. (DR) .T.S. GIRISHKUMAR
AGED 66 YEARS
S/O. T.K. SASIDHARAN, E-403,VRUNDALAY RESIDENCY,
CHHANI, SAMA CANAL ROAD, VADODARA,
GUJARAT, PIN - 391740

BY ADVS.
T.SANJAY
SANIL KUMAR G.
MIDHUN R.

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF EDUCATION, DEPARTMENT OF HIGHER
EDUCATION, SHASTRI BHAVAN, DR RAJENDRA PRASAD
ROAD, NEW DELHI,, PIN -
110001
- 2 THE VISITOR, CENTRAL UNIVERSITY OF KERALA
RASHTRAPATI BHAVAN, NEW DELHI, PIN - 110004
- 3 THE CHANCELLOR
CENTRAL UNIVERSITY, TEJASWINI HILLS, PERIYA P O,
KASARAGOD, KERALA, PIN - 691316
- 4 UNIVERSITY GRANTS COMMISSION,
(REPRESENTED BY ITS CHAIRMAN). (UGC),
BAHADUR SHAH ZAFAR MARG,
NEW DELHI, PIN - 110002
- 5 SEARCH CUM SELECTION COMMITTEE
CENTRAL UNIVERSITY OF KERALA, TEJASWINI HILLS,
PERIYA (PO), KASARAGOD, KERALA - 671316,

REPRESENTED BY ITS CONVENOR, DR. ASHOK GAJANAN
MODAK, RESIDING AT 101 KINGSTON B, HIGH STREET
NEAR D MART, HIRANANDANI GARDEN, POWAI MUMBAI, PIN
- 400076

6 THE CENTRAL UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA, PIN - 671316

7 PROF.H. VENKATESHWARLU
AGED 63 YEARS, VICE CHANCELLOR,
CENTRAL UNIVERSITY OF KERALA, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA, PIN - 671316

BY ADVS.

S.MANU, DSG

T.RAMPRASAD UNNI, SC, CENTRAL UNIVERSITY OF KERALA

S.KRISHNAMOORTHY, CGC

K.RAMAKUMAR (SR.)-R6

S.M.PRASANTH-R6

S.P.ARAVINDAKSHAN PILLAY-R7

N.SANTHA

V.VARGHESE

PETER JOSE CHRISTO

S.A.ANAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11.04.2023, ALONG WITH WP(C).31506/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 11TH DAY OF APRIL 2023 / 21ST CHAITHRA, 1945

WP(C) NO. 38110 OF 2022

PETITIONER:

PROF. (DR.) G. VENKATESH KUMAR,
AGED 61 YEARS
PROFESSOR OF PSYCHOLOGY, MANASAGANGOTRI,
UNIVERSITY OF MYSORE, MYSURU - 570 006. RESIDING
AT #733, 10TH MAIN, 19TH CROSS, C BLOCK, 3RD STAGE
VIJAYANAGAR, MYSORE, KARNATAKA PIN-570017.

BY ADVS.
T.SANJAY
SANIL KUMAR G.
MIDHUN R.

RESPONDENTS:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF EDUCATION,
DEPARTMENT OF HIGHER EDUCATION,
SHASTRI BHAVAN, DR RAJENDRA PRASAD ROAD,
NEW DELHI, PIN - 110001.
- 2 THE VISITOR, CENTRAL UNIVERSITY OF KERALA,
TEJASWINI HILLS, PERIYA P O, KASARAGOD,
KERALA. PIN: 691316.
- 3 THE CHANCELLOR, CENTRAL UNIVERSITY,
TEJASWINI HILLS, PERIYA P O, KASARAGOD,
KERALA, PIN: 691316.
- 4 SEARCH CUM SELECTION COMMITTEE,
CENTRAL UNIVERSITY OF KERALA,
TEJASWINI HILLS, PERIYA (PO),
KASARAGOD, KERALA - 671316,
REPRESENTED BY ITS CONVENOR, DR. ASHOK GAJANAN

- MODAK, RESIDING AT 101 KINGSTON B, HIGH STREET
NEAR D MART, HIRANANDANI GARDEN, POWAI MUMBAI -
400076.
- 5 THE CENTRAL UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, TEJASWINI HILLS,
PERIYE (PO), KASARAGOD, KERALA - 671316.
- 6 UNIVERSITY GRANTS COMMISSION,
(REPRESENTED BY ITS CHAIRMAN). (UGC),
BAHADUR SHAH ZAFAR MARG, NEW DELHI 110002.
- 7 PROF. H. VENKATESHWARLU,
VICE CHANCELLOR, CENTRAL UNIVERSITY OF KERALA,
TEJASWINI HILLS, PERIYE (PO),
KASARAGOD, KERALA - 671316.
- 8 STATE OF KERALA,
OF (REPRESENTED BY ITS PRINCIPAL SECRETARY),
HIGHER EDUCATION DEPT, GOVT. OF KERALA, SECRETARIAT
ANNEX BUILDING, THIRUVANANTHAPURAM, PIN: 695 001.
(MEMBER, EXECUTIVE COUNCIL, CENTRAL UNIVERSITY OF
KERALA) .

BY ADVS.

SHRI.K.S.PRENJITH KUMAR, CGC

S. MANU, DSG

T.RAMPRASAD UNNI

SRI.S.KRISHNAMOORTHY, CGC

S.P.ARAVINDAKSHAN PILLAY-R7

T. RAMKUMAR(SR.)-R5

S.M.PRASANTH -R5

V. TEKCHAND, SR.GP-R8

N.SANTHA

V.VARGHESE

PETER JOSE CHRISTO

S.A.ANAND

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11.04.2023, ALONG WITH WP(C).31506/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Murali Purushothaman, J.

Since common issues arise for consideration in these writ petitions, they are disposed of by this common judgment. For the sake of convenience, unless otherwise expressly indicated, the status of the parties and the exhibits referred to hereinbelow shall be as obtaining in W.P.(C) No.31506 of 2022.

2. The petitioner in W.P.(C) No.31506 of 2022, a former Guest Faculty in the Department of Sociology and Social Work at Hemvati Nandan Bahuguna Garhwal Central University, Uttarakhand, who claims to be a public-spirited person, RTI activist, social worker, and an educationalist, has filed the public interest writ petition seeking a writ of *quo warranto* calling upon the 3rd respondent to show under what authority he holds the office as Vice Chancellor of Central University of Kerala. He has also sought for a writ of *certiorari* to quash the

appointment order issued to 3rd respondent and to declare that the appointment of 3rd respondent is illegal since the same is made in violation of UGC Regulations, Central Universities Act, 2009, and its Statutes and marred by procedural defects. The relief as regards the issuance of the writ of *certiorari* was given up by the petitioner at the time of admission of the writ petition and the same has been recorded in our order dated 10.10.2022.

3. The petitioners in W.P.(C) Nos.32313 and 38110 of 2022 were candidates for selection to the post of Vice-Chancellor in the Central University of Kerala and included in the list of 16 shortlisted candidates for personal interaction with the Search cum Selection Committee. They have filed these writ petitions seeking reliefs, *inter alia*, to declare that they are entitled to be considered as Vice Chancellor of the Central University, Kerala, being part of the extended list as mandated by the Universities Act and Statutes and to issue writ of

certiorari quashing the order appointing the 7th respondent (3rd respondent in W.P.(C) No.31506 of 2022) as Vice Chancellor of the Central University, and the summary note and communications leading thereto. The petitioner in W.P.(C) No. 38110 of 2022 has also sought to issue a writ of *quo warranto* calling upon the 7th respondent to show under what authority he is holding the post of Vice Chancellor of the Central University of Kerala.

4. The facts leading to the filing of the writ petitions are as follows:-

The Government of India, Ministry of Human Resources Development, Department of Higher Education (hereinafter referred to as the 'Ministry') issued Ext. P1 notification dated 03.06.2019 inviting applications for the post of Vice-Chancellor of the Central University, Kerala (hereinafter referred to as 'University' for short). As regards the procedure for appointment, it is stated therein that the appointment will be made from a panel of names

recommended by a committee constituted under the provisions of the Central Universities Act, 2009. The notification provides that the Vice-Chancellor, being the academic as well as the administrative head, is expected to be a visionary with proven leadership qualities, administrative capabilities as well as teaching and research credentials, and having outstanding academic record throughout and a minimum of 10 years of experience as a Professor in a University or 10 years of experience in a reputed research and/or academic administrative organisation with proof of having demonstrated academic leadership with preferably not more than 65 years of age as on the closing date of receipt of applications.

5. Pursuant to Ext.P1 notification, 223 candidates applied for the post of Vice-Chancellor in the University. The Search cum Selection Committee (hereinafter referred to as the 'Committee') constituted as per Statute

2 of the Central Universities Statutes, 2009 (Kerala) (hereinafter referred to as 'the Statutes' for short), in its meetings held on 9th , 29th and 30th of August 2019, shortlisted 16 candidates on the basis of their eligibility, age, academic qualifications, research contributions, relevant academic/administrative experience *etc.*; for personal interaction with the Committee. Ext.P5 is the minutes of the meeting of the Committee held on 29.08.2019. The petitioners in W.P(C) Nos.32313 of 2022 and 38110 of 2022 were among the 16 candidates so shortlisted and included in the Annexure list of shortlisted candidates to Ext. P5 minutes of the Committee. The 3rd respondent was not included in the said shortlist. After personal interaction, the Committee in its meeting held on 09.09.2019, by Ext.P6 minutes, recommended a panel of 5 candidates for appointment to the post of Vice-Chancellor, subject to vigilance clearance. The petitioners in W.P.(C) Nos. 32313/2022 and 38110 of 2022 were not included in

the said panel. The Ministry conducted scrutiny of the panel of names recommended by the Committee in Ext.P6 and found that there is no suitable candidate in the panel and recommended to the Visitor for rejection of the panel and to ask the Committee to recommend a fresh panel of 5 eminent academicians and accordingly submitted Ext.P7 summary note for consideration and approval of the Visitor. Along with Ext.P7, a self-contained note on 360^o assessment of the 5 candidates in Ext.P6 was also submitted. The Visitor, as per Ext.P8, approved the proposal of the Ministry in Ext.P7 and by Ext.P9, rejected the panel submitted by the Committee, and directed the Committee to provide a fresh panel of 5 eminent academicians for consideration for the post of Vice-Chancellor. Pursuant thereto, the Committee met on the 10th and 11th of December, 2019, and by Ext.P10, shortlisted another ten candidates for personal interaction with the Committee. The name of the 3rd respondent finds

a place in the said shortlist. After the interaction in the meeting held on 20.01.2020, the Committee, by Ext. P11 minutes recommended a panel of 5 candidates, including the name of the 3rd respondent for appointment as Vice-Chancellor. From among the 5 candidates, the Visitor, by Ext.P12 order dated 13.08.2020, appointed the 3rd respondent as the Vice-Chancellor of the University.

6. The petitioners contend that the 3rd respondent is appointed contrary to the provisions of the Central Universities Act, 2009 (Kerala), and the Statutes and the UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018 (UGC Regulations,2018 for short). Referring to Statute 2 of the Statutes, it is contended that, if the Visitor does not approve any of the persons included in the panel recommended by the Committee, the Visitor may call for

an extended fresh panel. According to the petitioners, an extended fresh panel can never be prepared from a panel that has already been rejected by the Committee in the initial round of scrutiny and the same ought to be formed from the available 11 remaining shortlisted candidates included in Ext.P5. In other words, the contention is that the extended fresh panel is the original list of 16 candidates shortlisted by the Committee minus the 5 candidates, and not the entire list of 223 candidates, who applied for the post. It is also contended that the Visitor, in the matter of appointment of Vice-Chancellor, is not bound by the advice of the Ministry and cannot act upon the dictates of the officials in the Ministry and the appointment of the 3rd respondent is vitiated by extraneous reasons. It is stated that the Visitor ought not to have rejected the panel recommended by the Committee based on the summary note of the Ministry which contains disparaging remarks about the 5

candidates recommended by the Committee. The petitioners make a comparative assessment of the merits of the 3rd respondent and the candidates who were shortlisted in Ext.P5 and submit that those persons are far more superior to the 3rd respondent on the basis of their merit and qualifications. It is also contended that Professor Battu Sathyanarayana, who was included in Ext.P6 panel and recommended by the Committee, but which panel was rejected by the Visitor by Ext.P8, was later appointed as the Vice-Chancellor of the Central University of Karnataka. The petitioners submit that the 3rd respondent has usurped the office of the Vice-Chancellor of the 2nd respondent University without any legal authority and he has no right to continue to hold the office of Vice-Chancellor. It is also contended that the delay in challenging the appointment of the 3rd respondent was due to the Covid pandemic and the delay in obtaining documents.

7. Counter Affidavits have been filed on behalf of the Union of India, the Central University, and the 3rd respondent in all three writ petitions. The averments of the respondents in their respective counter affidavits are on similar lines. In the counter affidavit filed on behalf of the Union of India, Ministry of Education it is stated that, in terms of Section 11(1) of the Central Universities Act, 2009 and Statute 2 of the Statutes, if the Visitor does not approve any of the persons included in the panel submitted by the Committee, the Visitor may call for a fresh panel. The counter affidavit states that, the Ministry, which is acting as the Secretariat of the Visitor, facilitates the selection of the Vice-Chancellor of Central Universities by constituting the Search-cum-Selection Committee and provides all secretarial assistance. It is stated that the Ministry facilitates the Visitor in exercising his powers conferred under Section 8 of the Central Universities Act, 2009, and the Statutes by providing requisite inputs and

secretarial assistance. It is further stated that, for the purpose of appointment of the Vice-Chancellor, the Ministry of Education facilitates the constitution of the Selection Committee, publishing the advertisement for the post, receiving applications, holding the meetings of the Committee, receiving the panel from the Committee and submitting the same to the Visitor. While submitting the panel given by the Committee to the Visitor, the Ministry submits the panel along with its inputs to facilitate the selection. It is stated that the Visitor exercises his powers on his own after examining all the documents and materials produced before him. While the assessment of merit is made by the Committee, the Ministry obtains other information like vigilance reports, *etc.*, of the candidates included in the panel. It is also stated that, the Selection Committee in their wisdom decided to shortlist 10 more candidates for personal interaction and that it is not correct to say that the 11 persons from the initially

shortlisted 16 persons were ignored. It is stated that since the Selection Committee had already interacted with the aforesaid 11 persons, they were not called for interaction again. The 1st respondent states that the Committee interacted with 10 more applicants in addition to the candidates who had attended interaction at the first instance and submitted a panel of 5 persons out of the total candidates interacted by the Selection Committee, other than the 5 included in the panel rejected by the Visitor. According to the 1st respondent, the initially shortlisted 11 persons were also considered again by the Selection Committee, and it is only a coincidence that none among the 11 persons shortlisted earlier was included in the panel. It is further stated that the 3rd respondent fulfilled the academic qualifications and other eligibility criteria for appointment as Vice-Chancellor and the Visitor took decision to appoint the 3rd respondent as

per the provisions of the Central Universities Act, 2009 and the Statutes.

8. An additional counter affidavit is filed on behalf of the 1st respondent in W.P.(C) No.31506 of 2022 explaining that the role of the Ministry is to act as a secretariat to facilitate the selection process to the post of Vice-Chancellor and the process is intended to help the Visitor in the decision-making process by giving a comprehensive report on the empaneled candidates.

9. In the counter affidavit filed by the Registrar of the Central University, it is stated that the appointment of the Vice-Chancellor is a valid appointment made by the Visitor and there is no usurpation in office by the 3rd respondent and this Court cannot substitute the views of the expert body. It is also contended that the writ petition is highly belated and is liable to be rejected on account of unexplained inordinate delay.

10. The 3rd respondent has filed a counter affidavit wherein it is contended that he has been appointed and is holding office pursuant to lawful orders issued by the competent authority and as such, the writ petition for issuance of *quo warranto* is not maintainable. It is contended that there is nothing wrong with the Visitor relying on the inputs provided by the subordinate executive functionaries or ministerial staff in taking decisions in the matter of appointment of Vice-Chancellor. It is stated that the Visitor cannot get better assistance in the matter of consideration of the merits of the panel submitted by the Committee than from the Department of Human Resources, Higher Education Department in the matter of academic -cum - administrative issues like the selection of Vice-Chancellor. It is contended that Ext.P7 summary note is only a routine administrative act and does not amount to interference in the selection process. It is further stated that the submission of a fresh panel

with already shortlisted candidates cannot be an “extended fresh panel”. The 3rd respondent states that he is qualified as per the Central Universities Act and Statutes and UGC Regulations, 2018, and that he possesses all the qualifications for the post of Vice-Chancellor. He refers to Ext.P18, his biodata, and contends that he satisfies all qualifications and credentials for appointment to the post of Vice-Chancellor and this Court cannot sit in judgment over an academic issue and consider the relative merits of candidates. The 3rd respondent submits that the writ petitions must be dismissed on the ground of delay and the petitioners have approached this Court for oblique motives.

11. Reply affidavits are filed by the petitioners to the aforesaid counter affidavits.

12. Heard Smt. Jayasree K.P., the learned counsel for the petitioner in W. P.(C) No.31506 of 2022, Sri. T. Sanjay, the learned counsel for the petitioners in W.P.(C)

Nos.32313 and 38110 of 2022, Sri. S. Manu, the learned Deputy Solicitor General of India, Sri. S. Krishna Moorthy, the learned standing counsel for UGC, Sri. K. Ramakumar, senior counsel for the Central University of Kerala, Sri. S.P. Aravindakshan Pillai, the learned counsel for the Vice-Chancellor and Sri. Tek Chand V., the learned Senior Government Pleader for the State of Kerala.

13. The Central University of Kerala is established and incorporated under the Central Universities Act, 2009, an Act to establish and incorporate universities for teaching and research in various States and to provide for matters connected therewith or incidental thereto. Section 11 of the Central Universities Act deals with the appointment of the Vice-Chancellor and provides that the Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes. Section 8(1) of the Central Universities Act provides that the President of India shall be the Visitor of the University. Statute 2 (1)

of the Central Universities Statutes, 2009 provides that, the Vice Chancellor of the Central University shall be appointed by the Visitor from out of a panel recommended by a Committee as constituted under clause (2); provided that if the Visitor does not approve any of the persons included in the panel, he may call for an extended fresh panel. The Committee referred to in clause (1) shall consist of 5 persons, out of whom three shall be nominated by the Executive Council and two by the Visitor, and one of the nominees of the Visitor shall be the convener of the Committee. Clause 7.3 of the UGC Regulations, 2018 deals with the selection of Vice-Chancellor of Universities and reads as follows:

“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

organisation 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”.

14. Before entering into the merits of the case, this Court has to answer the issue as regards the *locus standi* of the petitioner in W.P.(C) No.31506/2022 to file the writ petition seeking a writ of *quo warranto*. The main objection of the respondents is that the writ petitioner is a

busy body and a stranger to the selection process and has no *locus standi* to challenge the appointment of the 3rd respondent to the post of Vice-Chancellor. The Hon'ble Supreme Court, in **N.Kannadasan v. Ajoy Khose** [2009 (7) SCC 1], has held that a writ of *quo warranto* questioning a usurper's occupying public office can be maintained even by a busy body. The Division Bench of this Court in **Ashok Kumar M. v State of Kerala and others** [2021 KHC 873] has held that the basic purpose of a writ of *quo warranto* is to confer jurisdiction on the Constitutional Courts to see that a public office is not held by usurper without any legal authority. Recently, in **Ghambirdan K Gadhvi v. State of Gujarat** [2022 KHC 6249:2022 (5) SCC 179], the Hon'ble Supreme Court, while considering the issue of *locus standi* in a writ petition filed under Article 32 of the Constitution seeking issuance of *quo warranto*, held as follows:

“9. By way of this writ petition filed under Art.32 of the Constitution of India, the petitioner has prayed for

a writ of quo warranto by challenging the appointment of respondent No.4 herein as Vice Chancellor of the SP University - respondent No.2 herein. When a writ of quo warranto will lie has been dealt with by this Court in the case of **Rajesh Awasthi v. Nand Lal Jaiswal and Others**, 2013 (1) SCC 501. In para 19, it has been observed and held as under: -

“19. A writ of quo warranto will lie when the appointment is made contrary to the statutory provisions. This Court in *Mor Modern Coop. Transport Society Ltd. v. Govt. of Haryana* (2002 (6) SCC 269) held that a writ of quo warranto can be issued when appointment is contrary to the statutory provisions. In *B. Srinivasa Reddy* (2006 (11) SCC 731 (2) : 2007 (1) SCC (L&S) 548 (2)), this Court has reiterated the legal position that the jurisdiction of the High Court to issue a writ of quo warranto is limited to one which can only be issued if the appointment is contrary to the statutory rules. The said position has been reiterated by this Court in *Hari Bansh Lal* ((2010 (9) SCC 655 : 2010 (2) SCC (L&S) 771) wherein this Court has held that for the issuance of writ of quo warranto, the High Court has to satisfy itself that the appointment is contrary to the statutory rules.”

9.1 In the case of **Retd. Armed Forces Medical Association and Others v. Union of India and Others**, 2006 (11) SCC 731, it has been observed by this Court that strict rules of locus standi are relaxed to some extent in a quo warranto proceedings. It is further observed in the said decision that broadly stated, the quo warranto proceeding affords a judicial remedy by which any person, who holds an independent substantive public office or franchise or liberty, is called upon to show by what right he holds the said office, franchise or liberty, so that his title to it may be duly determined, and in case the finding is that the holder of the office has no title, he would be ousted

from that office by a judicial order. It is further observed that in other words, the procedure of *quo warranto* gives the judiciary a weapon to control the executive from making appointments to public office against law and to protect citizens from being deprived of public office to which they have a right. These proceedings also tend to protect the public from usurpers of public office. It is further observed that it will, thus, be seen that before a person can effectively claim a writ of *quo warranto*, he has to satisfy the court that the office in question is a public office and is held by a usurper without legal authority, and that inevitably would lead to an enquiry, as to, whether, the appointment of the alleged usurper has been made in accordance with law or not. Thus, as per the law laid down in a catena of decisions, the jurisdiction of the High Court to issue a writ of *quo warranto* is a limited one, which can only be issued when a person is holding the public office does not fulfill the eligibility criteria prescribed to be appointed to such an office or when the appointment is contrary to the statutory rules. Keeping in mind the law laid down by this Court in the aforesaid decisions on the jurisdiction of the Court while issuing a writ of *quo warranto*, the factual and legal controversy in the present petition is required to be considered.”

More recently, the Hon'ble Supreme Court, in **State of West Bengal v. Anindya Sundar Das and others** [2022 KHC 7071: AIR 2022 SC 482], while considering the question of issuance of *quo warranto* in the matter of appointment and reappointment of Vice-Chancellors, has

reiterated the position that a writ of *quo warranto* can be issued where an appointment has not been made in accordance with the law. A Division Bench of this Court, in **State of Kerala v The Chancellor, APJ Abdul Kalam Technological University and others** [Neutral Citation: 2023/KER/9989], while dealing with the challenge against the appointment of Vice-Chancellor, held as under:

“9. Coming to the question related to the issuance of *quo warranto*, it is preeminently based on public interest and related to the public office. That is the reason the rule relating to *locus standi* is dispensed with, in respect to the remedy to invoke *quo warranto*.”

Thus, for a person to approach this Court seeking issuance of a writ of *quo warranto*, he need not have any special or personal interest and the real test is to see whether the person holding the office is authorised to hold the same under law. Accordingly, we hold that the petitioner in W.P.(C) No.31506/2022 has the *locus standi* to file this writ petition seeking writ of *quo warranto*.

15. The second objection raised by the respondents in all three writ petitions is that the writ petitions suffer from delay and laches. It is to be noted that the 3rd respondent was appointed as Vice-Chancellor of the Central University by an order dated 13.08.2020. The writ petitions are filed more than two years after the appointment. In **Rajesh Awasthi v. Nand Lal Jaiswal and Others** [2013 (1) SCC 501], the Hon'ble Supreme Court has held that, in a writ of *quo warranto*, the real test is to see whether the person already in the office is authorised to hold the same under law and delay and laches, constitute no impediment for the Court to deal with the '*lis*' on merits. Thus, delay or laches, if any, are inconsequential for this Court to deal with a question as to whether the alleged usurper holds public office under legal authority. Though the decision in **Abraham Kuruvilla and another v. Sree Chitra Thirunal Institute for Medical Sciences and Technology** [2013 (4) KHC 40] was relied upon to

contend that the delay would be fatal in the case of the petitioner in W.P.(C) No. 38110 of 2022 who has also sought for issuance of a writ of *quo warranto* and who participated in the selection process, in the light of the decision of the Hon'ble Supreme Court in **Rajesh Awasthi** (supra), we are of the view that, when the real test is to see whether the person holding the office is authorised to hold the same under law, delay and laches are inconsequential for the Court to deal with the case on merits, in the larger public interest. We are also clear in our mind that the said petitioner has not approached this Court on account of any personal vendetta. Accordingly, we are not inclined to dismiss the writ petitions on grounds of delay or laches.

16. The office of the Vice-Chancellor of the Central University became vacant on 06.08.2019. Prior to the same, the Government of India, Ministry of Human Resource Development, Department of Higher Education

took steps to constitute a Search-cum-Selection Committee for recommending a panel of names for the appointment of new Vice-Chancellor. A summary note (Ext.P1 in W.P.(C) Nos.32313 and 38110/2022) was placed before the Visitor by the Ministry for approval of two persons as the nominees of the Visitor in the Search-cum-Selection Committee and the Visitor by Ext.P2 in those writ petitions has approved the same. The Committee constituted in terms of Statute 2(2) of the Statutes met on the 9th, 29th and 30th of August, 2019 and from among 223 applicants, shortlisted 16 candidates (Ext.P5) for personal interaction with the Search-cum-Selection Committee on the basis of their eligibility, age, academic qualifications, research contributions, relevant academic/administrative experiences *etc.* From among the 16 candidates shortlisted for personal interaction with the Committee, the Committee by Ext.P6 recommended the names of 5 candidates for appointment to the post of Vice-Chancellor

subject to vigilance clearance. The Ministry conducted scrutiny of the panel of names in Ext.P6 and found that there are no suitable candidates in the panel and by Ext.P7 summary note, recommended to the Visitor for rejection of the panel and to ask the Committee to recommend a fresh panel of 5 eminent academicians. Along with the summary note, a self-contained note on 360° assessment of the 5 candidates in Ext.P6 was also submitted. The Visitor, by Ext.P8, approved the proposal contained in Ext.P7 summary note to reject the panel of names in Ext.P6 and directed the Committee to provide a fresh panel of 5 eminent academicians for consideration to the post of Vice-Chancellor. Pursuant thereto, the Committee, by Ext.P10, submitted a shortlist of 10 candidates. These 10 candidates were not persons who were included in Ext.P5. Among these 10 persons shortlisted for interaction with the Search Committee, the Committee recommended the names of 5 persons and

among the 5 persons, the Visitor appointed the 3rd respondent as the Vice-Chancellor. According to the petitioners, the extended fresh panel has to be prepared from the names of persons included in Ext.P5 minus the 5 persons included in Ext.P6, whose names have been rejected by the Visitor by Ext.P9. The petitioners contend that, only these 11 persons (16-5) constitute the extended panel and no selection can be made from the entire list of 223 persons as the names of those persons other than the 16 persons included in Ext.P5 were already rejected at the time of initial scrutiny. Therefore, the question to be considered is what constitutes an extended fresh panel as referred to in the proviso to Statute 2(1) of the Statutes.

17. Altogether, 223 persons applied for the post of Vice-Chancellor. The Search-cum-Selection Committee as per Ext.P5 minutes shortlisted 16 candidates for personal interaction with the Committee and by Ext.P6 minutes, recommended the names of 5 persons for appointment to

the post of Vice-Chancellor. The Visitor did not approve any of the persons included in the panel recommended by the Committee. The Visitor, therefore, called for an extended panel. The Statutes does not contemplate re-notification to the post of Vice-Chancellor in such contingency, but to call for an extended fresh panel. The petitioners are right in contending that the extended fresh panel shall not include the names of the 5 persons recommended by the Committee as per Ext.P6 since the Visitor has rejected the said panel. Then comes the question as to whether the remaining persons in Ext.P5 constitute the extended panel. If the case of the petitioners that the names of all 207 candidates from the 223 candidates who applied for the post, other than those 16 shortlisted are rejected by the Committee, is to be accepted, then the names of 11 persons among the 16 who were not recommended by the Committee in Ext.P6 after interaction shall also be deemed to be rejected. The

consequence will be that there will be no candidates to be considered for the post. Therefore, the said contention of the petitioners cannot be accepted. In our view, the extended fresh panel shall include the names of all 218 (223-5) candidates other than the 5 persons in Ext.P6. From this extended panel, the Committee has, by Ext.P10, shortlisted 10 candidates for personal interaction and by Ext.P11, the Committee has recommended the names of 5 persons and the Visitor has appointed the 3rd respondent from the said panel. Therefore, there is no merit in the contention of the petitioners that persons who were rejected by the Committee in the initial round of scrutiny have been shortlisted. The contention of the petitioners that the extended fresh panel ought to have been formed from the available 11 from Ext.P5 cannot be sustained.

18. The next question to be considered is whether the Visitor, in the matter of appointment of Vice-Chancellor is bound by the advice of the Ministry. A Division Bench of

this Court in **Gopalakrishnan v. Chancellor, University of Kerala** [1990 KHC 149:1990 (1) KLT 681: ILR 1990 (3) Ker 1259], while dealing with the powers of Chancellor of University, distinguished the position of Chancellor and that of Governor and held as follows.

“28. It is thus imperative that the Chancellor, in exercising his powers and functions under the law governing the University, should act on his own discretion, unhampered by, without the necessity of, seeking or following, the aid and advice of his Council of Ministers. This view of ours is supported by certain observations of the Supreme Court in Samsher Singh's case (AIR 1974 S.C. 2192). The Supreme Court stated thus in Para.25: "The executive power of the Union is vested in the President under Art.53(1). The executive power of the State is vested in the Governor under Art. 154(1). The expression "Union" and "State" occur in Art.53(1) and 154(1) respectively to bring about the federal principles embodied in the Constitution. Any action taken in the exercise of the executive power of the Union vested in the President under Art.53(1) is taken by the Government of India in the name of President as will appear in Art.77(1). Similarly, any action taken in the exercise of the executive power of the State vested in the Governor under Art. 154(1) is taken by the Government of the

State in the name of the Governor as will appear in Art. 166(1)".

The Full Bench of the High Court of Punjab and Haryana in **Hardwari Lal v. G. D. Tapase** [AIR 1982 P & H 439] while considering the question as to whether the Governor in his capacity as the Chancellor of Maharshi Dayanand University was to act under Maharshi Dayanand University Act, 1975 in his official capacity as Chancellor or with aid and advice of the Council of Ministers, held as follows:

“119. Having adverted to the relevant provisions of the Constitution, it is now to be seen whether the powers exercised by the Chancellor have any relation to the exercise and performance of the powers and duties of the office of the Governor. Though earlier also I have referred to certain relevant provisions of the Act and the Statute, yet for facility of reference it is necessary to make mention of those provisions here again. Under S.3 of the Act, the first Chancellor of the University is appointed by the Government. Under S.8, the Chancellor is mentioned as one of the officers of the University. Under sub-section (2) of S.8, the Chancellor is empowered to appoint a person to be Pro - Vice - Chancellor on such terms and conditions as he may think fit. Under S.19, the Chancellor is empowered to require or direct any officer or

authority of the University to act in conformity with the provisions of the Act and the Statute, Ordinances and Regulations made thereunder. Under sub-section (2), it is further provided that the power exercised by the Chancellor under sub-section (1) shall not be called in question in any Civil Court.

120. Under the first Statutes of the University, Statute 2 provides that the Governor of Haryana shall be the ex officio Chancellor of the University. Statute 3 says that the Chancellor by virtue of his office will be the head of the University. In sub-clause (2) of Statute 3, it is provided that the Chancellor shall, if present, presides at the convocation of the University for conferring degrees and at all meetings of the Court. Under Statute 4(6), complete power is given to the Chancellor to appoint a Vice - Chancellor on such terms and conditions as he lays down. Under clause (8) of Statute 4, power is given to the Chancellor to fill any casual vacancy in the office of the Vice - Chancellor. Statute 10 provides the constitution of the Court in which the Chancellor is mentioned as one of the ex officio members. Under Statute 26, power of relaxing any condition mentioned in the Statute is given.

121. As has been observed earlier, and that is the scheme of the Act and the Statutes, that in the University affairs there cannot be any interference from the State Government. The State Government is an authority quite distinct from the authority of the Chancellor. The State Government cannot advise the Chancellor to act in a particular manner. The University is a statutory body, autonomous in character. Under the Act and the Statutes, the Chancellor has been given certain powers

exercisable by him in his absolute discretion without any interference from any quarter. For the appointment of the Vice - Chancellor or the Pro - Vice - Chancellor, he is not required to consult the Council of Ministers. It is correct that by virtue of his office, the Governor becomes the Chancellor of the University but while discharging the functions of his office he does not perform any duty or exercise any power of the office of the Governor. While discharging the functions of the office, the Chancellor does not act on the aid and advice of the Council of Ministers. It would not be correct to say that as the Governor holds the office of the Chancellor of the University by virtue of his office, therefore, the powers and duties he exercises or performs under the relevant Article or the Statute, are the powers and duties of his office as Governor. The Governor is vested with certain powers and duties under the Constitution that normally are exercised or performed on the aid and advice of Council of Minister and, therefore, it becomes necessary to give immunity to such person in the discharge of the duties of his office. But this is not the position in the case of the Chancellor as he, under the Act, has his own independent existence and exercise his power without any interference from any quarter. The office he holds is a statutory office and is quite distinct from the office of the Governor.

122. If immunity is extended to the Chancellor also, then it would lead to anomalous results, that is, that in respect of action of the Governor as the Head of the State executive, appropriate proceedings against the State would be open, while it would not be permissible for any person to question the action of the Chancellor in any

proceedings, for the reason that the Chancellor's action not being the action of the Governor as the Head of the State executive, the second proviso of Art.361 (1) would have no applicability. In this view of the matter, I do not find any escape from the conclusion that the powers and duties exercised and performed by the Chancellor under the Act or the Statutes of the University have absolutely no relation to the exercise and performance of the powers and duties of the office of Governor.”

The decision in **Hardwari Lal** (supra) was approved and received the imprimatur of the Hon’ble Supreme Court in **Bhuri Nath and Others v. State of J and K Others** [1997 KHC 744: 1997 (2) SCC 745: AIR 1997 SC 1711]. In **State of Gujarat and another v. Hon’ble Mr. Justice R.A. Mehta (Retd) and others** [2013 KHC 4000: (2013) 3 SCC 1], the Hon’ble Supreme Court while considering the powers of the Governor in appointing the Lok Ayukta held that, under the scheme of our Constitution, the Governor is synonymous with the State Government and can take an independent decision upon his / her own discretion only when he/she acts as a statutory authority

under a particular Act, or under the exception(s), provided in the Constitution itself.

19. The powers and functions of the President/Governor in their capacity as the Visitor/Chancellor that can be deduced from the above decisions cited are summarised as follows:

“(i). The President /Governor can take an independent decision upon his own discretion when he acts as a statutory authority under a particular Act.

(ii). The Visitor's/Chancellor's office is a statutory office and is distinct from the office of the President/Governor.

(iii).The Visitor/Chancellor of a University is not bound by the advice of Council of Ministers while making appointment of Vice-Chancellor.

(iv). The action of the Visitor/ Chancellor can be called in question in any proceedings and the protection under Article 361 of the Constitution will not be applicable while functioning as Visitor/Chancellor.”

20. Thus, in the matter of appointment of Vice-

Chancellor, the Visitor is not bound by the advice of Council of Ministers and can take independent decision upon his/her own discretion. The above being the position, this Court has to examine the role of the Ministry of Human Resources Development, Department of Higher Education in the process of selection and appointment of the Vice-Chancellor of the Central University. The selection process commenced with the submission of note to the Visitor by the Ministry. As per the counter affidavits filed by the 1st respondent, the Ministry is acting as a secretariat to facilitate the selection process. In the additional counter affidavit filed by the 1st respondent, it is stated that as per the Government of India (Allocation of Business) Rules, 1961 issued under Article 77 (3) of the Constitution by the President of India, the subject "Central University" is a matter under the jurisdiction of Department of Higher Education, Ministry of Education. As per the Government of India (Allocation of Business)

Rules, 1961 as amended, University education, Central Universities, Rural Higher Education Foreign Aid Programme relating to Higher Education, Technical Education Planning and Development of School Education come under the Department of Higher Education, Ministry of Education. Therefore, it is contended that supervision of affairs related to the Central Universities is a matter within the jurisdiction of the Department of Higher Education. Accordingly, pursuant to Ext.P1 notification inviting applications for the post of Vice Chancellor issued by the Department of Higher Education, the applications were received and processed by the Department and placed before the search-cum-selection committee. It is stated that along with the panel of names submitted by the search-cum-selection committee to the Visitor, the Ministry of Human Resource Development, Department of Higher Education submitted a self contained note on 360⁰ assessment of persons recommended by the Committee.

According to the 1st respondent, the said assessment has been made to help the Visitor in the decision making process and does not amount to interfering with the selection process. It is stated that the Ministry, by the said process, had only aided the Visitor in discharging his duties for selection and appointment of the Vice Chancellor. It is stated that the discretion vested in the Visitor for taking final decision is not watered down and it is open to the Visitor to reject the recommendation made by the Department/Ministry.

21. In the matter of appointment of Vice-Chancellor under the Central Universities Act, 2009 and the Statutes thereunder, Visitor can take independent decision upon his/ her own discretion. The Visitor is not bound by the advice or recommendations of the Department/Ministry. The Visitor may either approve the proposal/recommendation of the Ministry/Department or reject the same and appoint the Vice-Chancellor from the

panel recommended by the Search cum Selection Committee. If the Visitor does not approve any of the persons included in the panel, he/she can also call for an extended fresh panel. Whether to approve or reject a panel is the discretion of the Visitor and he is not bound by the recommendation of the Ministry/Department. The Visitor need not record reasons for approving or rejecting the proposal/ recommendation of the Search Committee/ Ministry. Under the scheme of the Central Universities Act and Statutes, when the Visitor can take independent decision upon his/her own discretion, it is for the petitioners to plead and prove that the decision of the Visitor was not on his own discretion. They have not succeeded in doing so. The petitioners have not established that there is violation of the provisions of the Statutes in appointing the 3rd respondent as Vice-Chancellor. The appointment cannot be sought to be interfered on the inference that the Visitor acted on the

dictates of the Ministry/Department.

22. Pursuant to our direction in the order dated 07.02.2023, the entire files pertaining to the selection and appointment of the 3rd respondent as Vice Chancellor of the University right from the stage of issuance of notification have been produced. On going through the files, we are satisfied that the selection and appointment of the 3rd respondent is as per the provisions of the Central Universities Act, 2009 and the Statutes.

The 3rd respondent has been appointed as Vice-Chancellor, by the Visitor, the competent authority, as per the statutory provisions and is holding office with legal authority and there is no usurpation in office by the 3rd respondent. He has the necessary qualification and eligibility for the post. This Court will not sit in judgment over the wisdom of the Visitor in the choice of the person to be appointed as the Vice-Chancellor.

The writ petitions fail and are, accordingly, dismissed.

There will be no order as to costs.

Sd/-

**S.MANIKUMAR
CHIEF JUSTICE**

Sd/-

**MURALI PURUSHOTHAMAN
JUDGE**

SB

APPENDIX OF WP(C) 32313/2022

PETITIONER EXHIBITS :

- EXHIBIT-P1 TRUE COPY OF THE PROPOSAL DATED 07.05.2019 SUBMITTED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXHIBIT-P2 TRUE COPY OF THE PROPOSAL DATED 17.05.2019 SUBMITTED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXHIBIT-P3 TRUE COPY OF THE NOTIFICATION DATED 03.06.2019 FOR THE POST OF VC ALONG WITH THE COVERING LETTER DATED 07.06.2019.
- EXHIBIT-P4 TRUE COPY OF THE MINUTES OF THE SEARCH CUM SELECTION COMMITTEE MEETING 29.08.2019 ALONG WITH THE LIST OF 16 CANDIDATES SELECTED BY THE COMMITTEE.
- EXHIBIT-P5 TRUE COPY OF THE MINUTES DATED 09.09.2019 FORWARDING THE FINAL LIST OF SELECTED CANDIDATES.
- EXHIBIT-P6 TRUE COPY OF THE SUMMARY NOTE DATED 15.10.2019 SENT TO THE HON'BLE VISITOR BY THE 1ST RESPONDENT.
- EXHIBIT-P7 TRUE COPY OF THE DOCUMENT EVIDENCING BASELESS REMARKS MADE BY THE 1ST RESPONDENT JT. SECRETARY.
- EXHIBIT-P8 TRUE COPY OF THE COMMUNICATION DATED 30.10.2019 ISSUED BY THE OFFICER ON SPECIAL DUTY IN THE PRESIDENT'S SECRETARIAT TO THE 1ST RESPONDENT.
- EXHIBIT-P9 TRUE COPY OF THE COMMUNICATION DATED 05.11.2019.
- EXHIBIT-P10 TRUE COPY OF THE COMMUNICATION DATED 20.01.2020 ALONG WITH THE MINUTES OF THE MEETING AS WELL AS A LIST OF CANDIDATES.
- EXHIBIT-P11 TRUE COPY OF THE COMMUNICATION DATED 13.08.2020 APPOINTING THE 7TH RESPONDENT AS VICE CHANCELLOR.
- EXHIBIT-P12 TRUE COPY OF THE APPLICATION DATED 03.06.2019 SUBMITTED BY THE PETITIONER TO THE POST OF VC OF CENTRAL UNIVERSITY KERALA.

- EXHIBIT-P13 TRUE COPY OF THE APPLICATION DATED 20.06.2019 SUBMITTED BY SHRI BATTU SATYANARAYANA TO THE POST OF VC OF CENTRAL UNIVERSITY KERALA.
- EXHIBIT-P14 TRUE COPY OF THE APPLICATION DATED 20.06.2019 SUBMITTED BY PROF. CHINTAMANI MAHAPATRA TO THE POST OF VC OF CENTRAL UNIVERSITY KERALA.
- EXHIBIT-P15 TRUE COPY OF THE APPLICATION DATED 12.06.2019 SUBMITTED BY DR. MEENA RAJIV CHANDAWARKAR, ANOTHER PROMINENT ACADEMICIAN TO THE POST OF VC OF CENTRAL UNIVERSITY KERALA.
- EXHIBIT-P16 TRUE COPY OF THE APPLICATION DATED 17.06.2019 SUBMITTED BY DR. MEENA RAJIV CHANDAWARKAR, ANOTHER PROMINENT ACADEMICIAN TO THE POST OF VC OF CENTRAL UNIVERSITY KERALA.
- EXHIBIT-P17 TRUE COPY OF THE REPRESENTATION DATED 20.09.2022 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

APPENDIX OF WP(C) 38110/2022

PETITIONER EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE PROPOSAL DATED 07.05.2019 SUBMITTED BY THE 1ST RESPONDENT TO THE 2ND RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE NOMINATION LETTER DATED 17.05.2019 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE NOTIFICATION DATED 03.06.2019 FOR THE POST OF VC ALONG WITH THE COVERING LETTER DATED 07.06.2019
- EXHIBIT P4 TRUE COPY OF THE MINUTES OF THE SEARCH CUM SELECTION COMMITTEE MEETING DATED 29.08.2019 ALONG WITH THE LIST OF 16 CANDIDATES SELECTED BY THE COMMITTEE.
- EXHIBIT P5 TRUE COPY OF THE MINUTES OF MEETING OF THE 5TH RESPONDENT DATED 09.09.2019 FORWARDING THE FINAL LIST OF SELECTED CANDIDATES.
- EXHIBIT P6 TRUE COPY OF THE SUMMARY NOTE DATED 15.10.2019 SENT TO THE HON'BLE VISITOR BY THE 1ST RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE NOTE EVIDENCING REMARKS MADE BY THE 1ST RESPONDENT.
- EXHIBIT P8 TRUE COPY OF THE COMMUNICATION DATED 30.10.2019 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P9 TRUE COPY OF THE COMMUNICATION DATED 05.11.2019 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P10 TRUE COPY OF THE COMMUNICATION DATED 20.01.2020 ISSUED BY THE 5TH RESPONDENT COMMITTEE ALONG WITH THE MINUTES OF THE MEETING AS WELL AS A LIST OF CANDIDATES TO THE 1ST RESPONDENT.
- EXHIBIT P11 TRUE COPY OF THE COMMUNICATION DATED 13.08.2020 APPOINTING THE 7TH RESPONDENT AS VICE CHANCELLOR.
- EXHIBIT P12 TRUE COPY OF THE APPLICATION DATED 13.06.2019 SUBMITTED BY THE PETITIONER.

- EXHIBIT P13 TRUE COPY OF THE APPLICATION DATED 20.06.2019 SUBMITTED BY SHRI BATTU SATYANARAYANA.
- EXHIBIT P14 TRUE COPY OF THE APPLICATION DATED 20.06.2019 SUBMITTED BY PROF. CHINTAMANI MAHAPATRA.
- EXHIBIT P15 TRUE COPY OF THE APPLICATION DATED 12.06.2019 SUBMITTED TO THE POST BY DR. MEENA RAJIV CHANDAWARKAR, ANOTHER PROMINENT ACADEMICIAN.
- EXHIBIT P16 TRUE COPY OF THE APPLICATION DATED 17.06.2019 SUBMITTED BY THE 7TH RESPONDENT.
- EXHIBIT P17 TRUE COPY OF THE EXTRACT OF THE RELEVANT PORTION OF THE CENTRAL UNIVERSITY ACT, 2009.
- EXHIBIT P18 TRUE COPY OF THE EXTRACT OF THE RELEVANT PROVISIONS OF THE STATUTES OF THE UNIVERSITY INCLUDED IN THE SECOND SCHEDULE.
- EXHIBIT P19 TRUE COPY OF THE EXTRACT OF THE RELEVANT PORTIONS OF THE UGC ACT.

APPENDIX OF WP(C) 31506/2022

PETITIONER EXHIBITS :

- EXHIBIT P1 A TRUE COPY OF THE NOTIFICATION FOR APPOINTMENT OF VICE CHANCELLOR OF THE CENTRAL UNIVERSITY OF KERALA, KASARAGOD ALONG WITH THE FORMAT OF THE APPLICATION
- EXHIBIT P2 A TRUE COPY OF THE LIST OF APPLICANTS FOR THE POST OF VICE CHANCELLOR IN THE 2ND RESPONDENT UNIVERSITY
- EXHIBIT P3 A TRUE COPY OF THE LETTER DATED 07.06.2019 ISSUED TO THE CONVENOR OF THE 6TH RESPONDENT COMMITTEE FROM THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT, DEPARTMENT OF HIGHER EDUCATION
- EXHIBIT P4 A TRUE COPY OF THE MINUTES OF THE 1ST MEETING OF THE 6TH RESPONDENT COMMITTEE HELD ON 09.08.2019
- EXHIBIT P5 A TRUE COPY OF THE MINUTES OF THE 2ND MEETING OF THE 6TH RESPONDENT COMMITTEE HELD ON 29TH AND 30TH AUGUST 2019 ALONG WITH THE LIST OF SHORTLISTED CANDIDATES
- EXHIBIT P6 A TRUE COPY OF THE MINUTES OF THE FINAL MEETING OF THE 6TH RESPONDENT COMMITTEE HELD ON 09TH SEPTEMBER 2019 TOGETHER WITH THE LETTER ISSUED BY THE CONVENOR OF THE 6TH RESPONDENT COMMITTEE TO THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT
- EXHIBIT P7 A TRUE COPY OF THE SUMMARY NOTE FOR THE PRESIDENT, THE VISITOR OF THE 2ND RESPONDENT UNIVERSITY, 7TH RESPONDENT HEREIN DATED 15.10.2019 ISSUED FROM THE MINISTRY ALONG WITH THE 360-DEGREE ASSESSMENT REPORT OF SHORTLISTED CANDIDATES FOR THE POST OF VICE CHANCELLOR, CENTRAL UNIVERSITY OF KERALA
- EXHIBIT P8 A TRUE COPY OF THE COMMUNICATION ISSUED FROM THE OFFICE OF THE 7TH RESPONDENT DATED 30.10.2019 TO THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT
- EXHIBIT P9 A TRUE COPY OF THE LETTER DATED 05.11.2019 ISSUED FROM THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT TO THE

- CONVENOR OF THE 6TH RESPONDENT COMMITTEE
- EXHIBIT P10 A TRUE COPY OF THE LIST OF SHORTLISTED CANDIDATES SELECTED FOR PERSONAL INTERACTION ON 20.01.2020 FOR THE POST OF VICE-CHANCELLOR IN 2ND RESPONDENT UNIVERSITY
- EXHIBIT P11 A TRUE COPY OF THE MINUTES OF THE MEETING OF THE 6TH RESPONDENT COMMITTEE HELD ON 20.01.2020 ALONG WITH THE COVERING LETTER AND THE LIST OF SELECTED 5 CANDIDATES
- EXHIBIT P12 A TRUE COPY OF THE ORDER DATED 13.08.2020 APPOINTING THE 3RD RESPONDENT AS VICE CHANCELLOR OF 2ND RESPONDENT UNIVERSITY
- EXHIBIT P13 A TRUE COPY OF THE BIO-DATA OF PROF BATTU SATYANARAYANA ALONG WITH ANNEXURES
- EXHIBIT P14 A TRUE COPY OF THE BIO-DATA OF PROF.CHINTAMANI MOHAPATRA ALONG WITH ANNEXURES
- EXHIBIT P15 A TRUE COPY OF THE BIO-DATA OF PROF.MANJUNATHA PATTABI ALONG WITH ANNEXURES
- EXHIBIT P16 A TRUE COPY OF THE BIO-DATA OF PROF. MEENA.R.CHANDAWARKAR ALONG WITH ANNEXURES
- EXHIBIT P17 A TRUE COPY OF THE BIO-DATA OF PROF. SARDUL SINGH SANDHU WITHOUT ANNEXURES
- EXHIBIT P18 A TRUE COPY OF THE BIO-DATA OF 3RD RESPONDENT, PROF. H. VENKATESHWARLU WITHOUT ANNEXURES
- EXHIBIT P19 A TRUE COPY OF THE APPOINTMENT ORDER DATED 21.07.2021 ISSUED FROM THE OFFICE OF THE 7TH RESPONDENT APPOINTING PROF BATTU SATYANARAYANA AS THE VICE CHANCELLOR OF THE CENTRAL UNIVERSITY OF KARNATAKA
- EXHIBIT P20 A TRUE COPY OF THE REPRESENTATION DATED 16.08.2022 SUBMITTED BY THE PETITIONER BEFORE THE 7TH RESPONDENT, VISITOR OF THE UNIVERSITY
- EXHIBIT P21 A TRUE COPY OF ONE OF THE APPLICATIONS

WITHOUT ENCLOSURES DATED 03.11.2021
PREFERRED BY THE PETITIONER UNDER THE
RIGHT TO INFORMATION ACT.

EXHIBIT P22 A TRUE COPY OF THE REPLY DATED
06.12.2021 TO EXHIBIT P21

EXHIBIT P23 A TRUE COPY OF THE RTI APPLICATION
WITHOUT ENCLOSURES DATED 05.01.2022
FILED BY THE PETITIONER

EXHIBIT P24 A TRUE COPY OF THE RTI APPLICATION
WITHOUT ENCLOSURES DATED 07.01.2022
FILED BY THE PETITIONER

EXHIBIT P25 A TRUE COPY OF THE REPLY DATED
09.02.2022 TO EXHIBIT P24

EXHIBIT P26 A TRUE COPY OF THE RTI APPLICATION
WITHOUT ENCLOSURES DATED 26.02.2022
FILED BY THE PETITIONER

EXHIBIT P27 A TRUE COPY OF THE REPLY DATED
28.03.2022 TO VARIOUS RTI APPLICATIONS
AND APPEALS

EXHIBIT P27 (A) A LEGIBLE TYPED COPY OF EXHIBIT P27

EXHIBIT P28 A TRUE COPY OF THE LETTER DATED
18.04.2022 ISSUED BY THE PETITIONER TO
THE DEPARTMENT OF HIGHER EDUCATION,
MINISTRY OF EDUCATION

EXHIBIT P28 (A) A LEGIBLE TYPED COPY OF EXHIBIT P28

RESPONDENT EXHIBITS :

EXHIBIT R1 (A) A TRUE COPY OF THE VIGILANCE REPORT
DATED 19.10.2020 ISSUED BY THE
REGISTRAR, OSMANIA UNIVERSITY, HYDERABAD