

WP(C) No.43059/2024

-:1:-



2025:KER:46149

"C.R"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

THURSDAY, THE 26TH DAY OF JUNE 2025 / 5TH ASHADHA, 1947

WP(C) NO.43059 OF 2024

PETITIONERS:

- 1 DR. SIVAPRASAD A., AGED 52 YEARS,
S/O. APPUKUTTAN NAIR, ASSOCIATE PROFESSOR IN
BOTANY, BISHOP MOORE COLLEGE, MAVELIKKARA-690 101,
RESIDING AT 'KUALAYAM', PUNNAPRA.P.O.,
ALAPPUZHA, PIN - 688004.
- 2 PRIYA PRIYADARSANAN, AGED 45 YEARS,
W/O. K.V. SURESH KUMAR, ASSISTANT PROFESSOR,
DEPARTMENT OF MALAYALAM, S.N. COLLEGE CHERTHALA,
RESIDING AT 'DEVI KRIPA', KANICHUKULANGARA P.O.,
MARARIKULAM, PIN - 688582.

BY ADVS. SRI. ELVIN PETER P.J. (SR.)
SRI. K.R.GANESH
SMT. GOURI BALAGOPAL
SRI. SREELEKSHMI A.S.
SMT. ANAMIKA M.J.

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.



- 2 THE CHANCELLOR,
UNIVERSITY OF KERALA, KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM, PIN - 695099.
- 3 THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
THIRUVANANTHAPURAM, PIN - 695034.
- 4 DR. MOHAN KUNNUMMAL, VICE CHANCELLOR,
UNIVERSITY OF KERALA, UNIVERSITY BUILDINGS,
PALAYAM, THIRUVANANTHAPURAM-695 034.
RESIDING AT G4, NAVANI APARTMENTS,
ZENANA MISSION ROAD, CHEMBUKKAVU,
THRISSUR, PIN - 680020.

R1 BY STATE ATTORNEY SRI. N. MANOJ KUMAR.
R2 BY SENIOR ADVOCATE SRI. P. SREEKUMAR,
R3 BY ADV. SRI. THOMAS ABRAHAM, SC,
UNIVERSITY OF KERALA
R4 BY ADVS. SRI. BINNY THOMAS,
SMT. GIRIJA K. GOPAL
BY ADVS. SMT.K.N.VIGY
SMT.SOORYA MARIYA KURIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05.06.2025, THE COURT ON 26.06.2025 DELIVERED THE
FOLLOWING:

**“C.R.”****JUDGMENT**Dated this the 26th day of June, 2025.**Nitin Jamdar, CJ**

It has been nearly three years since the University of Kerala, a prestigious institution in the State, has been without a regular Vice-Chancellor due to differences between stakeholders. Now, this Petition, another in the series of litigation, seeks to question the temporary arrangement made by the Chancellor pending regular appointment.

2. The Governor of Kerala, being the *ex officio* Chancellor of the University of Kerala under the Kerala University Act, 1974 read with the University Grants Commission Regulations, 2018, is empowered to appoint a Vice-Chancellor to the University of Kerala. After the term of the previous Vice-Chancellor ended, the Chancellor initiated the process for regular appointment by constituting a Search-cum-Selection Committee. Pending finalisation of the appointment, the Chancellor directed Respondent No.4, who is presently the Vice-Chancellor of the Kerala University of Health Sciences, to also discharge the duties of Vice-Chancellor of the University of Kerala. Challenging this arrangement, the Petitioners, members of the Senate of the University of Kerala, have filed the present writ petition seeking a writ of *quo warranto* against Respondent No.4, requiring him to show the authority under which he is holding the said office, and a writ of *mandamus* restraining him from exercising the powers of Vice-Chancellor of the University of Kerala.



3. We have heard Mr. Elvin Peter P.J., the learned Senior Advocate assisted by Mr. K. R. Ganesh, learned counsel for the Petitioners, Mr. N. Manoj Kumar, the learned State Attorney for the Respondent – State, Mr. P. Sreekumar, the learned Senior Advocate appearing for Respondent No.2-the Chancellor, Mr. Thomas Abraham, the learned standing counsel for Respondent No.3 – University of Kerala, and Mr. Binny Thomas and Ms. Girija K. Gopal, the learned counsel for Respondent No.4.

4. Section 10 of the Kerala University Act, 1974 (Act of 1974) which deals with the appointment of the Vice Chancellor reads as under:

“10. The Vice-Chancellor:-

(1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of a Committee appointed by him consisting of three members, one elected by the Senate, one nominated by the Chairman of the University Grants Commission and the third nominated by the Chancellor. The Chancellor shall appoint one of the members of the Committee to be its convener. The Committee shall make its recommendation within a period of three months of its appointment.

(2) In case the Committee appointed under sub-section (1) is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among the panel of three names submitted to him by the Committee within the period specified in the preceding sub-section.



(3) In case the Committee fails to make a unanimous recommendation as provided in sub-section (1) or to submit a panel as provided in sub-section (2), each member of the Committee may submit a panel of three names to the Chancellor and the Vice-Chancellor shall be appointed from among the person mentioned in the panels.

(4) Non-submission of the panel under sub-section (3) by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(5) No person who is more than sixty years of age shall be appointed as Vice-Chancellor.

(6) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(7) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be determined by the Chancellor.

(8) The Vice-Chancellor shall be the principal academic and executive officer of the University.

(9) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate, the Academic Council, the Students' Council and the Finance Committee and shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote there at unless he is a member of the authority concerned.



(10) In the event of equality of votes at any meeting of the Senate, the Syndicate or the Academic Council or of any other authority, at which the Vice-Chancellor is the Chairman, he shall have and exercise a casting vote.

(11) It shall be duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, the Ordinances, the Regulations, the Rules and the Bye-laws are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(12) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to the University.

(13) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate or the Academic Council by or under this Act the Vice-Chancellor may take such action as he deems fit, and shall, at the next session of the Syndicate or the Academic Council, as the case may be report the action taken by him to that authority for such action as it may consider necessary.

(14) Subject to the provisions of the Statutes and the Ordinances the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Deputy Registrar:

Provided that he may delegate any of his powers under this sub-section to the Pro-Vice-Chancellor or the Registrar.



(15) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(15A) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of the examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(15B) Any person nominated by the Vice-Chancellor under sub-section (15A) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(16) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinance, the Regulations, the Rules and the Bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

(17) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes.

(18) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.



(19) In the event of a permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of the Vice-Chancellor, within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.”

The section sets out the process for the appointment, powers, duties, and conditions of service of the Vice-Chancellor and provides for interim arrangements in case of vacancies.

5. Section 10 of the Act of 1974 contemplates different contingencies under which the post of Vice-Chancellor may be held. The first is the regular appointment, as envisaged under sub-sections (1) to (5) of Section 10. This is a full-term appointment made on the recommendation of a committee constituted by the Chancellor. The second contingency under Section 10(6) is the reappointment of a Vice-Chancellor. The third contingency under Section 10(18) is an arrangement to be made to discharge the functions of the Vice-Chancellor when a temporary vacancy occurs in the office of the Vice-Chancellor or when the Vice-Chancellor is temporarily absent. Fourthly, under Section 10(19), an arrangement to be made to discharge the functions of the Vice-Chancellor in the event of a permanent vacancy occurring in the office of the Vice-Chancellor. These are the four different contingencies.

6. The present petition concerns Section 10(19), which stipulates that



in the event of a permanent vacancy occurring in the office of the Vice-Chancellor and where the Chancellor has initiated the process of appointment, an arrangement has to be made for discharging the functions of the Vice-Chancellor till a regular appointment is made. The notification issued by the Chancellor under Section 10(19) of the Act of 1974 dated 24 October 2024, in respect of Respondent No.4 reads as under:

*“GOVERNOR’S SECRETARIAT
KERALA RAJBHAVAN*

NOTIFICATION

No. GS6-2410/2023 (1)

Thiruvananthapuram, dated 24 October, 2024

In exercise of the powers conferred by sub-section (19) of Section 10 of the Kerala University Act, 1974 (Act 17 of 1974), the Chancellor hereby orders that pending the appointment of a person as Vice Chancellor of University of Kerala on a regular basis, Dr. Mohanan Kunnummal, Vice Chancellor, Kerala University of Health Sciences, shall exercise the powers and perform the duties of the Vice Chancellor, University of Kerala, with effect from 26-10-2024 AN, in addition to his normal duties, until further orders.

By order of the Governor/Chancellor

*(Dr. Davendra Kumar Dhodawat IAS)
Additional Chief Secretary to Governor/Chancellor”*



By this notification issued under Section 10(19) of the Act of 1974, the Chancellor has made an arrangement for the exercise of the powers and performance of the duties of the Vice-Chancellor by directing the Respondent No.4 to do so.

7. The Petitioners have sought a writ of *quo warranto*, contending that Respondent No.4 is not entitled to hold the post of Vice-Chancellor, as it is contrary to the statutory provisions contained in the Act of 1974 and the UGC Regulations, 2018. The contentions of the Petitioners are briefly as follows. Under Section 10(5) of the Act of 1974, no person who is more than sixty years of age shall be appointed as the Vice-Chancellor. The date of birth of Respondent No.4 is 29 November 1956, and as on today, he is aged 68 years and thus cannot hold the post of Vice-Chancellor of the University of Kerala. Regulation 7.3 of the UGC Regulations, 2018, specifies that the Vice-Chancellor should be a person having a minimum of ten years' experience as a Professor in a University or ten years' experience in a reputed research and or academic administrative organisation. Therefore, the Vice-Chancellor of a University must have served as a Professor for ten years. The qualifications for appointment to the post of Professor are laid down under Regulations 4.1(III) and 4.1(IV) of the UGC Regulations, 2018, which require that the Professor has to possess a Ph.D. and be from the relevant discipline of the University. Section 10(8) of the Act of 1974 states that the Vice-Chancellor is the principal academic and executive



officer of the University and exercises the powers and functions of the Senate and Syndicate, of which the Vice-Chancellor is the head, in relation to the maintenance of academic standards. Respondent No.4, who is a doctor holding MBBS and MD degrees, does not possess a Ph.D., and is, therefore, not qualified to be appointed as Professor in Arts, Science, or Commerce colleges affiliated with the University of Kerala. In the past, whenever a vacancy of Vice-Chancellor has arisen in the University of Kerala or other Universities within the State of Kerala, the Chancellor has given the charge to the senior-most Professor from among the colleges affiliated to the respective University. Thus, the appointment of Respondent No.4 is contrary to law, and he is not entitled to hold the post of Vice-Chancellor of the University of Kerala.

8. Opposing the petition, learned Senior Advocate for the Chancellor contended in short as follows. The stipulation that a person should not be more than 60 years of age applies specifically to Section 10(5) and is not applicable to other contingencies under Section 10 of the Act of 1974. Reliance is placed upon the decision of the Supreme Court in the case of *Dr. Premachandran Keezhoth and Another. v. The Chancellor, Kannur University & Others.*¹. Section 10(19) of the Act of 1974 deals only with a stop-gap situation, wherein the Chancellor is empowered to make necessary arrangements in the interest of administration. It does not contain any stipulation regarding the qualifications or age of the person so

¹ AIR 2024 SC 135



appointed. It is not necessary that the Vice-Chancellor has to be from the same stream. Neither the UGC Regulations, 2018 nor the Act of 1974 stipulates such a position. Respondent No.4 has the prescribed qualification of ten years' service as a Professor and has been serving as the Vice-Chancellor of the Kerala University of Health Sciences (KUHS) since 2019. There is, therefore, no violation of either the Act of 1974 or the UGC Regulations, 2018. The circumstances in which the impugned notification is issued and the *bona fides* of the Petitioners should be taken into consideration even while examining the prayer for the issuance of a writ of *quo warranto* as held by Division Bench decision of this Court in the case of *State of Kerala represented by the Additional Secretary to the Government v. The Chancellor, APJ Abdul Kalam Technological University and Others*². The Senate of the Respondent University, of which the Petitioners are members, has consistently attempted to defer the appointment of the Vice-Chancellor, resulting in uncertainty and significantly affecting the administration. Respondent No.4 is the only regularly appointed Vice-Chancellor currently functioning in the State of Kerala. Therefore, the Chancellor, as part of an interim arrangement till the regular process is completed, has entrusted the task to Respondent No.4. There is, thus, no merit in the challenge. The learned counsel for Respondent No.4 has placed the credentials of Respondent No.4 on record.

² Judgment dated 16 February 2023 in WA No.1847/2022.



9. Section 10(19) of the Act of 1974 uses both the terms “appointment” and “arrangement”. It is a well-settled rule of interpretation of Statutes that when the Legislature uses two different words or expressions in the same provision, it has to be presumed that they are intended to convey different meanings. An "appointment" entails a process leading to the selection of a person to hold the office of Vice-Chancellor following the procedures laid down. An "arrangement" is an interim or alternative administrative measure that may be adopted to ensure the smooth functioning of the university while the regular appointment process is being completed. The specific use of the word “arrangement” (and not “appointment”) in Section 10(19) of the Act of 1974 indicates the legislative intention of a broader and more flexible scope, taking note of the temporary nature of this arrangement. The mandate of starting the selection process within one month is also pertinent. The primary purpose of making a temporary arrangement is to ensure that the administration is not affected pending such an appointment. Therefore, an arrangement is made as a temporary administrative step taken to ensure continuity in governance and the day-to-day functioning of the university. The Petitioners have completely sidestepped this distinction between the phrases in the language of Section 10(19). The Petitioners have advanced arguments as if the appointment and arrangement are the same. If it had been so, then the Legislature would have used the words “temporary appointment”, which



it has not. The chancellor is empowered, or rather is under a duty, to make an arrangement to manage the affairs of the university and to maintain continuity in its administration pending formal appointment.

10. Various factual situations may arise in the exercise of the power by the chancellor under Section 10(19) of the Act of 1974. We are concerned with the legality of the arrangement whereby Respondent No.4, a Vice-Chancellor of the Kerala University of Health Sciences, in addition to his duties, is directed to exercise the powers and perform the duties of the Vice-Chancellor, University of Kerala.

11. The central question in this Petition thus is whether the arrangement made by the chancellor in asking the vice-chancellor of another university to manage the affairs of the University of Kerala is barred by any legal provision to issue a writ of *quo warranto* without referring to any other factors. In writ jurisdiction, when we are called upon to set aside such a temporary arrangement, we will have to consider the surrounding circumstances in which the arrangement was made and the larger institutional interest.

12. The Division Bench of this Court, in a similar fact situation, in the case of *The Chancellor, APJ Abdul Kalam Technological University*, referring to the doctrine of necessity, held that the Court can examine the circumstances under which a public office is occupied. While considering a challenge in the exercise of writ jurisdiction to a temporary arrangement



under Section 10(19) of the Act of 1974, the Court cannot remain oblivious to the circumstances in which the chancellor was called upon to make such an arrangement.

13. We will now briefly narrate the background facts, not to comment on the merits of the disputes arising from them, but to provide the context in which the Chancellor has issued the notification dated 24 October 2024 under Section 10(19) of the Act of 1974. The term of the regular vice-chancellor of the University of Kerala was to expire on 24 October 2022. On 13 June 2022, the Chancellor called upon the Registrar to provide a nominee of the Senate for constitution of the Search-cum-Selection Committee. Reminders were issued. On 5 August 2022, the Chancellor issued a notification constituting the Selection Committee with only the UGC nominee and the Chancellor's nominee, stating that the Senate's nominee would be included once received. On 22 August 2022, the Registrar forwarded to the Chancellor the minutes of the Special Senate meeting held on 20 August 2022. The Senate resolved to request the Chancellor to withdraw the notification and issue a new one in accordance with the provisions of the Act of 1974. On 19 September 2022, the Chancellor sent a letter to the Vice-Chancellor of the University of Kerala, directing urgent action to submit the name of the elected nominee of the Senate for inclusion in the Search-cum-Selection Committee for appointment of the next Vice-Chancellor. Correspondence and the impasse regarding the Search Committee



continued. On 29 September 2022, a reminder was sent that, since the term of the Vice-Chancellor is expiring on 24 October 2022, any further delay would adversely affect the interest of the University. Writ petitions were filed in this court, which were disposed of directing the University of Kerala to nominate a member for inclusion in the Search-cum-Selection Committee for the post of Vice-Chancellor within one month, and upon such nomination, the Chancellor shall issue a fresh notification and then to proceed with the selection of the Vice-Chancellor. Respondent No.4 was asked to perform the duties of the Vice-Chancellor of Kerala University on 22 October 2022. On 22 December 2022, this judgment was stayed by the Division Bench in W.A. Nos. 1961 and 1973 of 2022. On 10 April 2023, these writ appeals were withdrawn. On 28 June 2024, the Chancellor issued a notification appointing a two-member committee comprising a UGC nominee and a nominee of the Chancellor. On 24 October 2024, the Chancellor issued another notification, reproduced above, directing Respondent No.4 to perform the duties of the Vice-Chancellor of the University of Kerala, with effect from 26 October 2024 (AN), pending the appointment of a regular Vice-Chancellor.

14. Therefore, as the above events would show, though Section 10(19) of the Act of 1974 contemplates an arrangement for a short duration, this contingency has been prolonged due to various factors. The notification dated 24 October 2024 issued under Section 10(19) is not the first instance of such an arrangement by the Chancellor. In fact, the initial



arrangement was made on 22 October 2022.

15. We are informed that at present out of 13 universities in the State of Kerala where the Governor is the Chancellor, only one university has a functional vice-chancellor, that is, Respondent No.4. If the Chancellor, considering the importance of the post, had to call upon a functioning vice-chancellor, only Respondent No.4 was available. In that context, the learned counsel for the Chancellor has referred to the doctrine of necessity.

16. The Petitioners have relied upon Section 10(5) of the Act of 1974, which states that no person who is more than sixty years of age shall be appointed as the Vice-Chancellor. It is not in dispute that when Respondent No.4 was asked to perform the functions under Section 10(19), he was above sixty years old. The Hon'ble Supreme Court in the case of *Dr. Premachandran Keezhoth* held that the stipulation of 60 years does not apply to the second contingency under Section 10(6), that is, re-appointment and the stipulation that a person should not have attained the age of 60 years applies to the first regular appointment. There is no reference to age under Section 10(19). The arrangement is only to operate pending a regular appointment. Even while considering reappointment under Section 10(6) of the Act of 1974, which is a substantive appointment, the Hon'ble Supreme Court held that the stipulation of the age limit of sixty years applies only to one part of the provision. Thus, the



age stipulation of sixty years cannot be said to apply to all contingencies covered under Section 10 of the Act of 1974. There is thus no merit in this contention of the Petitioners.

17. The Petitioners then contended that Respondent No.4 lacks qualifications prescribed under the Act of 1974 and the UGC Regulations, 2018, to be appointed as a vice-chancellor of the University of Kerala. The Petitioners contended that, as per Section 10(8) of the Act of 1974, the vice-chancellor is required to be the principal academic and executive officer of the University. Considering the functions and powers of the Senate, Syndicate, and Academic Council, it is submitted that the vice-chancellor must belong to the same academic stream as that of the University. It is contended that, as per the UGC Regulation notification dated 18 July 2018, the requirement of ten years' experience as a professor must be from the same academic stream. Otherwise, it would not be feasible for the vice-chancellor to perform his duties, which involve making academic decisions regarding the discipline. According to the Petitioners, as a matter of practice, the senior-most professor from among the colleges affiliated with the University is asked to perform the duties of the vice-chancellor. The Petitioners have placed these instances on record.

18. The learned Senior Advocate for the Chancellor contended that neither under the Act of 1974 nor under the UGC Regulations, 2018 relied upon by the Petitioners themselves, there is a stipulation that a vice-



chancellor has to hold a Ph.D. degree, or that the vice-chancellor has to be a professor from the same academic stream or subject area as that of the University. Our attention is drawn to Chapter 10 of the Kerala University First Statutes, 1977 (Statutes of 1977), to point out that the University comprises various faculties such as Arts, Social Sciences, Science, and Engineering, and also includes Medicine, Dentistry, Ayurveda, and Homoeopathy. It is also pointed out to us that Regulation 1.1 of the UGC Regulations, 2018, is not applicable to the field of medicine, which is governed by qualifications and norms prescribed by the statutory authorities established under the respective enactments regulating that field. The learned Senior Advocate submitted that there have been instances where vice-chancellors have been asked to perform the duties of other vice-chancellors of other universities.

19. Section 10(19) of the Act of 1974 does not provide any guidelines with respect to the temporary arrangement. Assuming both options for making an arrangement were open to the Chancellor, that is, one, professors from affiliated colleges who possess academic qualifications, and second, a serving Vice-Chancellor of another University, section 10(19) of the Act of 1974 does not impose any bar prohibiting the vice-chancellor of another university from being asked to perform the duties of the vice-chancellor as an arrangement. Unless there is a legal bar or statutory prohibition against this arrangement, a writ of *quo warranto* cannot be issued. Further, the course of action taken by the Chancellor is



consistent with administrative necessity and institutional continuity. If the contention of the Petitioners that there is only one option with the chancellor, that is, to appoint the senior-most professor, is accepted, it would create a right in favour of a senior-most professor, when the statute does not confer any such right, and it would amount to rewriting the statute. Also disputes may arise regarding seniority, which may defeat the purpose of an effective temporary arrangement. The post of vice-chancellor of the University of Kerala is not promotional. To insist that even interim arrangements must follow the full regular appointment process would defeat the very purpose of the flexibility intended by the statute in specifically using two different terms.

20. The bio-data of Respondent No.4 shows that Respondent No.4 has served as a Professor for a period of ten years and holds the qualifications of a Master's degree and a Doctorate. Respondent No.4 was appointed as a Professor on 9 August 2006 before the UGC Regulations prescribed Ph.D as a regular qualification for the post, which indicates that he obtained his M.D. degree in 1991 and has held various positions, including membership in the Indian Medical Council and serving as the State President of the Kerala Government Medical College Teachers' Association. He has guided and completed 19 research projects. In the year 2016, he was conferred with the Best Doctor Award and the State Award. He has also published several papers in international journals. Respondent No.4 was appointed as the Vice-Chancellor of the Kerala



University of Health Sciences on 26 October 2019. Respondent No.4 has been discharging the additional responsibilities pending the finalisation of the selection process. Nothing is placed before us that the institutional interest of the University has suffered due to this arrangement. Therefore, this is not a case where the exercise of power is entirely arbitrary.

21. The Petitioners have relied upon the decisions of the Hon'ble Supreme Court in the cases of *Bhavnagar University v. Palitana Sugar Mill Pvt. Ltd. and Others*³, *Jagdish Prasad Sharma and Others v. State of Bihar and Others*⁴, and *State of West Bengal v. Anindya Sundar Das and Others*⁵, which lay down the principles governing the issuance of a writ of *quo warranto*, including the settled position that when a statutory authority is required to perform a particular act in a prescribed manner, it has to be done in that manner alone. There is no, and cannot be, any dispute with regard to these settled legal propositions. The question, however, is their applicability to the facts of the present case. In the present case, the Petitioners have failed to point out any such statutory embargo or stipulation.

22. The learned Senior Advocate for the Chancellor questioned the bona fides of the petitioner, relying on the observations of the Hon'ble Supreme Court in the case of *Dr. Premachandran Keezhoth*, stating that

³ (2003) 2 SCC 111

⁴ (2013) 8 SCC 633

⁵ (2022) 16 SCC 318



the *bona fides* have to be examined even in the proceedings where a writ of *quo warranto* is sought. The learned Senior Advocate submitted that the Petitioners themselves are members of the Senate and the Senate has adopted an attitude of non-cooperation with the Chancellor, resulting in an impasse that has prolonged the process of regular appointment of a Vice-Chancellor. He submitted that, after having delayed the appointment of a regular vice-chancellor, the Petitioners are now seeking to create difficulties even with respect to the arrangement made by the Chancellor, who had no option but to call upon the Vice-Chancellor of another University. He submitted that this is intended only to create uncertainty and chaos in the functioning of the University of Kerala. The learned Senior Advocate for the Petitioners refuted these allegations, submitting that the Petitioners were not parties to the earlier litigation and were only opposing procedural irregularities. We do not wish to comment on the merits or demerits of these allegations. However, the fact remains that the Petitioners are members of the Senate, and it is due to the disagreement between the Senate and the Chancellor that the arrangement, which is otherwise intended to address a short-term contingency, has continued. It may be that for various reasons, the regular selection process has not been completed, and now questions are being raised about the temporary arrangements made in its place. However, this approach is not in the best interest of higher education, which must remain the primary concern of all those involved in university



administration. It is a matter of serious concern that twelve out of thirteen universities in Kerala are currently functioning without regularly appointed Vice-Chancellors, and that petitions are being filed in this court at nearly every stage of the appointment process and even over temporary arrangements. This situation risks weakening the quality of higher education in the State. We sincerely hope that appropriate steps are taken without delay to resolve the issues.

23. We find that no case is made out to issue a writ as sought by the Petitioners.

24. The Writ Petition is dismissed. Pending interlocutory applications, if any, shall stand closed.

Sd/-
Nitin Jamdar,
Chief Justice

Sd/-
Basant Balaji,
Judge

krj/-

//TRUE COPY//

P.A. TO C.J.



APPENDIX OF WP (C) 43059/2024

PETITIONER EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE NOTIFICATION NO. ELECTION/SENATE/RECONSTITUTION/TP/2022-23 DATED 30.06.2023 OF THE 2ND RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE NOTIFICATION NO.GS6-2410/2023 DATED 28.06.2024 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE INTERIM ORDER DATED 19.07.2024 IN W.P. (C) NO.25727/2024 OF THIS HON'BLE COURT.
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 18.10.2024 IN W.P(C) NO.25727/2024 OF THIS HON'BLE COURT.
- EXHIBIT P5 TRUE COPY OF THE NOTIFICATION NO.GS6-877/2019-1 DATED 26.10.2019 OF THE 2ND RESPONDENT APPOINTING THE 4TH RESPONDENT AS THE VICE CHANCELLOR OF THE UNIVERSITY FOR A PERIOD OF FIVE YEARS.
- EXHIBIT P6 TRUE COPY OF THE NOTIFICATION NO.GS6-1843/2024 DATED 05.09.2024 ISSUED BY THE 2ND RESPONDENT CONSTITUTING THE SEARCH COMMITTEE.
- EXHIBIT P7 TRUE COPY OF THE INTERIM ORDER DATED 12.09.2024 IN W.P. (C) NO.32739/2024.
- EXHIBIT P8 TRUE COPY OF THE INTERIM ORDER DATED 14.10.2024 IN W.P. (C) NO.32739/2024 OF THIS HON'BLE COURT.
- EXHIBIT P9 TRUE COPY OF THE NOTIFICATION NO.GS6-1843/2024 (2) DATED 24.10.2024 ISSUED BY THE 1ST RESPONDENT REAPPOINTING THE 4TH RESPONDENT AS VICE CHANCELLOR OF THE KERALA UNIVERSITY OF HEALTH SCIENCES.
- EXHIBIT P10 TRUE COPY OF THE NOTIFICATION NO.GS6-2410/2023 (1) DATED 24.10.2024 ISSUED BY THE 2ND RESPONDENT GIVING ADDITIONAL CHARGE TO THE 4TH RESPONDENT AS THE VICE CHANCELLOR OF THE KERALA UNIVERSITY.



- EXHIBIT P11 TRUE COPY OF THE RELEVANT EXTRACT OF THE UGC REGULATIONS, 2018.
- EXHIBIT P12 TRUE COPY OF THE NOTIFICATION NO.24130/AD A2/3/2019/AD A2 DATED 07.06.2023 ISSUED BY THE REGISTRAR OF MAHATMA GANDHI UNIVERSITY GIVING ADDITIONAL CHARGE OF THE VICE CHANCELLOR OF THE MAHATMA GANDHI UNIVERSITY TO PROFESSOR DR. C.T. ARAVINDA KUMAR, PROFESSOR, ENVIRONMENTAL SCIENCES, MAHATMA GANDHI UNIVERSITY.
- EXHIBIT P13 TRUE COPY OF THE NOTIFICATION NO.GS3-1585/2024 DATED 12.07.2024 ISSUED BY THE CHANCELLOR OF THE UNIVERSITY OF CALICUT GIVING ADDITIONAL CHARGE OF POST OF VICE CHANCELLOR OF THE UNIVERSITY OF CALICUT TO DR. P.RAVEENDRAN, PROFESSOR, DEPARTMENT OF CHEMISTRY, UNIVERSITY OF CALICUT.
- EXHIBIT P14 TRUE COPY OF THE NOTIFICATION NO.GS5-3612/2022 DATED 20.09.2024 ISSUED BY THE CHANCELLOR OF COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY GIVING ADDITIONAL CHARGE OF THE POST OF VICE CHANCELLOR OF THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY TO DR. M.JUNAID BUSHIRI, PROFESSOR, DEPARTMENT OF PHYSICS, COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY.
- EXHIBIT P15 TRUE COPY OF THE NOTIFICATION NO.GS3/2298/2023(1) DATED 31.05.2024 ISSUED BY THE CHANCELLOR OF KANNUR UNIVERSITY GIVING ADDITIONAL CHARGE OF THE POST OF VICE CHANCELLOR OF THE KANNUR UNIVERSITY TO DR. K.K.SAJU, PROFESSOR & HEAD OF THE DEPARTMENT OF MECHANICAL ENGINEERING, COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY.
- EXHIBIT P16 TRUE COPY OF THE INTERIM ORDER DATED 22.12.2022 IN W.A. NO.1961/2022 OF THIS HON'BLE COURT.
- EXHIBIT P17 TRUE COPY OF THE JUDGMENT IN W.A. NO.1961/2022 OF THIS HON'BLE COURT.



RESPONDENTS' EXHIBITS:-

- EXHIBIT R2A TRUE COPY OF THE LETTER DATED 13.6.2022.
- EXHIBIT R2B TRUE COPY OF THE LETTER DATED 14.7.2022.
- EXHIBIT R2C TRUE COPY OF THE LETTER DATED 4.8.2022.
- EXHIBIT R2D TRUE COPY OF THE LETTER DATED 4.8.2022 RECEIVED FROM THE 3RD RESPONDENT.
- EXHIBIT R2E TRUE COPY OF THE NOTIFICATION ISSUED DATED 5.8.2022.
- EXHIBIT R2F TRUE COPY OF THE LETTER DATED 22.8.2022.
- EXHIBIT R2G TRUE COPY OF THE LETTER DATED 19.9.2022 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT.
- EXHIBIT R2H TRUE COPY OF THE LETTER DATED 23.9.2022 RECEIVED IN THE 2ND RESPONDENT'S OFFICE.
- EXHIBIT R2I TRUE COPY OF THE LETTER DATED 23.9.2022 ISSUED TO THE VICE CHANCELLOR OF THE 3RD RESPONDENT UNIVERSITY.
- EXHIBIT R2J TRUE COPY OF THE LETTER DATED 26.9.2022 RECEIVED FROM THE VICE CHANCELLOR OF THE 3RD RESPONDENT.
- EXHIBIT R2K TRUE COPY OF THE LETTER DATED 27.9.2022 ISSUED TO THE VICE CHANCELLOR OF THE 3RD RESPONDENT.
- EXHIBIT R2L TRUE COPY OF THE LETTER DATED 29.9.2022 ISSUED TO THE VICE CHANCELLOR OF THE 3RD RESPONDENT.
- EXHIBIT R2M TRUE COPY OF THE LETTER DATED 29.9.2022 ISSUED TO THE VICE CHANCELLOR OF THE 3RD RESPONDENT.
- EXHIBIT R2N TRUE COPY OF THE LETTER DATED 30.9.2022 ADDRESSED TO THE VICE CHANCELLOR OF THE 3RD RESPONDENT UNIVERSITY.



- EXHIBIT R2O TRUE COPY OF THE LETTER DATED 11.10.2022 RECEIVED FROM THE 3RD RESPONDENT.
- EXHIBIT R2P TRUE COPY OF THE LETTER INTIMATING THE DECISION OF THE SENATE HELD ON 4.11.2022.
- EXHIBIT R2Q TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.35646 OF 2022.
- EXHIBIT R2R TRUE COPY OF THE COMMUNICATION RECEIVED FROM THE 3RD RESPONDENT REGARDING THE MEETING HELD ON 16.2.2024.
- EXHIBIT R2S TRUE COPY OF THE REPORT SUBMITTED ON 21.2.2024 BY THE VICE CHANCELLOR OF THE 3RD RESPONDENT.
- EXHIBIT R2T TRUE COPY OF THE NOTIFICATION DATED 28.6.2024 CONSTITUTING THE SEARCH COMMITTEE IN RESPECT OF THE 3RD RESPONDENT UNIVERSITY.
- EXHIBIT R2U TRUE COPY OF THE INTERIM ORDER DATED 19.7.2024 IN WP(C) NO.25727 OF 2024.
- EXHIBIT R2V TRUE COPY OF THE JUDGMENT IN WP(C) NO.42531 OF 2024 DATED 4.12.2024.
- EXHIBIT R4[A] A TRUE COPY OF THE APPLICATION DATED 26.7.2019 SUBMITTED BY THE 4TH RESPONDENT FOR THE POST OF VICE CHANCELLOR, KERALA UNIVERSITY OF HEALTH SCIENCES.
- EXHIBIT R4[B] A TRUE COPY OF NOTIFICATION NO.GS6-1225/2022(3) DATED 24.10.2022 ISSUED BY THE CHANCELLOR.

//TRUE COPY//

P.A. TO C.J.