

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**

**Friday, the 21<sup>st</sup> day of October 2022 / 29th Aswina, 1944  
WP(C) NO. 33664 OF 2022**

**PETITIONER:**

1. DR.K.S.CHANDRASEKAR, AGED 54 YEARS, PROFESSOR & HEAD, INSTITUTE OF MANAGEMENT IN KERALA, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695581.
2. DR.BINDU.K, ASSOCIATE PROFESSOR & HEAD(I/C), DEPARTMENT OF MUSIC, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695581.
3. DR.SHAILA.C.A, HEAD, DEPARTMENT OF SANSKRIT, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695581.
4. DR.BINU G.BHEEMNATH, ASSISTANT PROFESSOR & HEAD, DEPARTMENT OF PHILOSOPHY, UNIVERSITY OF KERALA, THIRUVANANTHAPURAM-695581.

**RESPONDENT:**

1. THE CHANCELLOR UNIVERSITY OF KERALA, KERALA RAJ BHAVAN, RAJ BHAVAN ROAD, VELLAYAMBALAM JUNCTION, THIRUVANANTHAPURAM-695099.
2. THE VICE CHANCELLOR, UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM-695034.
3. THE REGISTRAR, SENATE HOUSE CAMPUS, UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM-695034.
4. UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM-695034, REPRESENTED BY ITS REGISTRAR.
5. THE STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of EXT.P12 in so far as the petitioners are concerned and further permit them to continue as Ex-Officio Members of the Senate of the 4th Respondent University ,pending disposal of the writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of N.RAGHURAJ, VIVEK MENON, SAYUJYA Advocates for the petitioners ,Sri. JAJU BABU Senior advocate for R1,Sri.Thomas Abraham, the learned Standing Counsel for R2 to R4 and Sri.T.B.Hood, the learned Government Pleader for R5,the court passed the following:

**EXHIBIT P12 :TRUE COPY OF THE NOTIFICATION NO.GS6-1225/ 2022(2)  
ISSUED BY CHANCELLOR DATED 18.10.22.**

**EXHIBIT P14 :TRUE COPY OF THE ORDER NO. GS6.1225/2022 DATED  
15.10.2022 ISSUED BY THE 1ST RESPONDENT TO THE VICE CHANCELLOR. (IN  
WP(C).33677/2022)**

**EXHIBIT P16 :TRUE COPY OF THE NOTIFICATION NO.GS6-1225/ 2022(2)  
ISSUED BY CHANCELLOR DATED 18.10.22. (IN WP(C).33701/2022)**



**MURALI PURUSHOTHAMAN, J.**

**W.P.(C) Nos.33664, 33677& 33701 of 2022**

Dated this the 21<sup>st</sup> day of October, 2022

**ORDER**

Admit.

2. Heard Sri.P.Ravindran, the learned senior counsel, Sri.N.Raghuraj and Sri.Elvin Peter PJ, the learned counsel for the petitioners, Sri.Jaju Babu, the learned senior counsel for the Chancellor, Sri.Thomas Abraham, the learned Standing Counsel for the University and Sri.T.B.Hood, the learned Government Pleader for the State.

3. All these writ petitions have been filed challenging the order of the Chancellor, University of Kerala, withdrawing his pleasure from allowing the petitioners to continue as members in the Senate of the University of Kerala and the consequential notification, withdrawing their nominations and continuance in the Senate w.e.f.

15.10.2022.

4. The petitioners in W.P.(C) Nos.33701/2022 and 33677/2022 are 'other members' nominated by the Chancellor in exercise of powers conferred under Section 17 of the Kerala University Act, 1974 (hereinafter referred to as 'the Act' for short) and the petitioners in W.P.(C) No.33664/2022 are 'Ex-officio members' nominated under Section 17 of the Act.

5. The exhibits referred to in this order are as available in W.P.(C) No.33701 of 2022.

6. By Ext.P14, the Chancellor has withdrawn his pleasure from allowing the petitioners to continue as Members of the Senate of the University with immediate effect. The relevant portion of Ext.P14 reads as under:

“I being the Chancellor of the University of Kerala had nominated the Members to the Senate of the University, in exercise of the powers vested on me under Chapter IV, Section 17-Ex-Officio

Members - (13) (14) and Section 17 - Other Members - (1) (2) and (3) of the Kerala University Act, 1974.

Now, having satisfied with the situation that the under mentioned Members (15 Nos.) have failed to discharge their duties and responsibilities as a Member in the Senate of the university, I hereby withdraw my pleasure from allowing them to continue as Members in the Senate of the University with immediate effect. They shall cease to be Members of the Senate of the University with immediate effect.”

7. Ext.P16 is the consequential notification, whereby, the nomination has been withdrawn.

8. According to the petitioners, the Chancellor is exercising powers under the Kerala University Act, 1974 and this Court has the power to examine the reasonableness of the action of the Chancellor. It is submitted by the learned counsel for the petitioners that, while withdrawing the pleasure, if the action of the Governor is illegal, arbitrary or capricious, this Court can exercise judicial review on the powers

exercised by the Chancellor under the Statute. It is contended that no reasons have been stated by the Chancellor in Ext.P14, while exercising powers under the proviso 4 to Section 18(3) of the Act and the petitioners were not heard.

9. Sri.Jaju Babu, the learned Standing Counsel for the Chancellor submits that the petitioners have been nominated by the Chancellor exercising his powers vested under Section 17 of the Act and that, the petitioners being nominated members, the Chancellor has the power to withdraw his pleasure under the 4<sup>th</sup> proviso to Section 18(3) of the Act and no reason need be stated for the said action.

The question as to whether the action of the Chancellor in withdrawing the pleasure and withdrawing nominations is valid or not is a matter to be examined in the writ petitions. Therefore, post the writ petitions for further consideration on 31.10.2022.

**W.P.(C) Nos.33664, 33677& 33701 of 2022**

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The learned senior counsel appearing for the Chancellor submits that the materials, on the basis of which Ext.P14 was passed will be placed on record by the said date. Till such time, there will be a direction to the 1<sup>st</sup> respondent Chancellor not to make any fresh nominations in place of the petitioners.

SB/21/10/2022



**Sd/-  
MURALI PURUSHOTHAMAN  
JUDGE**