

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 24<sup>TH</sup> DAY OF MARCH 2023 / 3RD CHAITHRA, 1945

WP(C) NO. 33664 OF 2022

**PETITIONERS:**

- 1 DR.K.S.CHANDRASEKAR  
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.

BY ADVS.  
N.RAGHURAJ  
VIVEK MENON  
SAYUJYA

**RESPONDENTS:**

- 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.

# VERDICTUM.IN

WP(C) NO. 33664 OF 2022

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- 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.

BY ADVS.

S.GOPAKUMARAN NAIR (SR.)

SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

ADVOCATE GENERAL OFFICE KERALA

S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF KERALA

K.JAJU BABU (SR.)

SMT.M.U.VIJAYALAKSHMI, SC, CHANCELLOR OF UNIVERSITIES IN  
KERALA

SHRI.T.B.HOOD, SPL.GOV'T. PLEADER TO A.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24.03.2023, ALONG WITH WP(C).33677/2022, 33701/2022, THE COURT ON THE  
SAME DAY DELIVERED THE FOLLOWING:

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 24<sup>TH</sup> DAY OF MARCH 2023 / 3RD CHAITHRA, 1945

WP(C) NO. 33677 OF 2022

**PETITIONERS:**

- 1 S.JOY  
AGED 60 YEARS  
S/O. SUKUMARAN, RESIDING AT JOY BHAVAN, PATTANAKADU.P.O.,  
CHERTHALA, ALAPPUZHA-688 524.
- 2 DR. N.P. CHANDRASEKHARAN,  
AGED 61 YEARS, S/O. N.S. PARAMESWARAN PILLAI, DIRECTOR, NEWS  
MALAYALAM COMMUNICATIONS, THIRUVANANTHAPURAM - 695 001,  
RESIDING AT 'RITHUHARAM', KANJIRAMPARA.P.O.,  
THIRUVANANTHAPURAM - 695 030.
- 3 PADMAKUMAR.G.,  
AGED 60 YEARS, S/O. GANGADHARAN, RESIDING AT HARICHANDANAM,  
CLAPPANA.P.O., KARUNAGAPPALLY.P.O., KOLLAM -690 518,  
PROPRIETOR, CAPITAL COLOUR PARK, DIGITAL PRESS,  
KOLLAM-690 518.
- 4 SHAIK P. HARRIZ,  
AGED 56 YEARS, S/O. P.A. HARRIZ, CHAIRMAN, P.A. HARRIZ  
FOUNDATION AND JOINT SECRETARY M.S.M. TRUST,  
KAYAMKULAM -690 502, RESIDING AT PUTHENPURAYIL, KAYAMKULAM,  
ALAPPUZHA-690 502.
- 5 DR. P. ASOKAN,  
AGED 62 YEARS, S/O. POTTIVELU, S.P. FORT HOSPITAL, FORT.  
P.O., THIRUVANANTHAPURAM-1, RESIDING AT 73, SUBHASH NAGAR,  
WEST FORT, THIRUVANANTHAPURAM-695 001.
- 6 SRI. SURESH BABU R.S.,  
AGED 54 YEARS, S/O. RAGHAVAN, HEADMASTER, GOVERNMENT MODEL  
HSS, TRIVANDRUM, RESIDING AT YADHAVAKULAM, POOJAPPURA.P.O.,  
THIRUVANANTHAPURAM-696 012.
- 7 SMT. YAMUNA DEVI. T.S.,  
AGED 53 YEARS, D/O. THANKAPPAN.T.D., PRINCIPAL, GOVERNMENT  
P.P.T.I. COTTON HILL, THIRUVANANTHAPURAM-695 001, RESIDING AT  
YADHAVAN, V.P.-10/305A, VILAPPIL LANE, ALTHARA JUNCTION,  
MALAYINKEEZHU

8 HARIKUMAR.G.K.,  
AGED 47 YEARS, S/O. GOPALAKRISHNA PILLAI, HSST JUNIOR  
(PHYSICS), CPHSS, KUTTIKAD, KADAKKAL, RESIDING AT  
RADHAMADHAVAM, UMMANNOOR.P.O., KOTTARAKKARA, KOLLAM-681 520.

9 AJAYAKUMAR.V.,  
AGED 55 YEARS, S/O. A.K. VISHWANADHAN, H.S.A. (MALAYALAM),  
GHSS, PALAYAMKUNNU, VARKALA -695 149, RESIDING AT ANANDA  
BHAVAN, PALAYAMKUNNU.P.O., VARKALA - 695 149.

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

**RESPONDENTS:**

1 THE CHANCELLOR  
UNIVERSITY OF KERALA, KERALA RAJ BHAVAN, KERALA GOVERNOR'S  
CAMP. P.O., THIRUVANANTHAPURAM 695 099.

2 STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY, HIGHER EDUCATION DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

3 THE VICE CHANCELLOR,  
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM 695 034.

4 THE UNIVERSITY OF KERALA,  
REPRESENTED BY ITS REGISTRAR, PALAYAM,  
THIRUVANANTHAPURAM-695 034.

5 THE REGISTRAR,  
UNIVERSITY OF KERALA, UNIVERSITY BUILDINGS, PALAYAM,  
THIRUVANANTHAPURAM-695 034.

**\* ADDL. RESPONDENT NO.6**

ADDL. R6 JAYARAM S.  
S/O SANKARAN, AGED 55 YEARS, RESIDING AT SANKARA BHAVANAM,  
MANGADAM P.O., ALAPPUZHA DISTRICT- 690515

**\*(ADDL.R6 IS IMPEADED AS PER ORDER DATED 15.12.2022 IN IA NO.3/2022)\*.**

BY ADVS.

S.GOPAKUMARAN NAIR (SR.)

ADVOCATE GENERAL OFFICE KERALA

SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA

GEORGE POONTHOTTAM (SR.)

S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF KERALA

K.JAJU BABU (SR.)

SMT.M.U.VIJAYALAKSHMI, SC, CHANCELLOR OF UNIVERSITIES IN  
KERALA

NISHA GEORGE

A.L.NAVANEETH KRISHNAN

SHRI.T.B.HOOD, SPL.G.P. TO A.G.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24.03.2023, ALONG WITH WP(C).33664/2022 AND CONNECTED CASES, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:

# VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 24<sup>TH</sup> DAY OF MARCH 2023 / 3RD CHAITHRA, 1945

WP(C) NO. 33701 OF 2022

**PETITIONERS:**

- 1 ADVOCATE G MURALEEDHARAN,  
S/O.GOPALAPILLAI, KIZHAKKUMBHAGATHVEEDU KOIVILA.P.O., KOLLAM,  
- 691 590.
- 2 ADVOCATE B. BALACHANDRAN,  
S/O.K.R.BHASKARAN NAIR, PARAYATTUKONAM, PIRAPPANCODU.P.O.,  
THIRUVANANTHAPURAM - 695 607.

BY ADVS.  
P.RAVINDRAN (SR.)  
M.R.SABU  
LAKSHMI RAMADAS  
APARNA RAJAN  
SREEDHAR RAVINDRAN

**RESPONDENTS:**

- 1 THE CHANCELLOR, UNIVERSITY OF KERALA,  
GOVERNORS' SECRETARIAT, KERALA RAJ BHAVAN, THIRUVANANTHAPURAM  
- 695 099.
- 2 UNIVERSITY OF KERALA,  
UNIVERSITY BUILDINGS, THIRUVANANTHAPURAM- 695 034,  
REPRESENTED BY ITS REGISTRAR.
- 3 THE VICE CHANCELLOR,  
UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS, PALAYAM,  
THIRUVANANTHAPURAM - 695 034.

BY ADVS.  
S.GOPAKUMARAN NAIR (SR.)  
SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA  
S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF KERALA  
K.JAJU BABU (SR.)  
SMT.M.U.VIJAYALAKSHMI, SC, CHANCELLOR OF UNIVERSITIES IN  
KERALA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24.03.2023, ALONG WITH WP(C).33664/2022 AND CONNECTED CASES, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

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

=====  
Dated this the 24<sup>th</sup> day of March, 2023

J U D G M E N T

In these writ petitions, the challenge is against the order of the Chancellor withdrawing his nominated members from the Senate of the 4<sup>th</sup> respondent University.

2. Section 17 of the Kerala University Act, 1974 (hereinafter referred to as “the Act”) deals with the constitution of the Senate of the University. The Senate contains four categories of members viz. “Ex-Officio Members”, “Elected Members”, “Life Members” and, “Other Members”. W.P.(C) No.33701/2022 and W.P.(C) No.33677/2022 are by the members nominated by the Chancellor under Section 17 of the Act in the category of “Other Members”, and W.P.(C) No.33664/2022 is by the persons nominated by the Chancellor under Section 17 of the Act under the category, “Ex-Officio Members”.

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3. Section 18(1) provides that, the Senate shall be re-constituted every four years. In terms of Section 18(2) of the Act, the term of office of nominated members under the head “Ex-Officio Members” is two years from the date of nomination. As per Section 18(3) of the Act, members other than “Ex-Officio” and “Life Members” are to hold office until the next re-constitution of the Senate. Section 18(3) of the Act has four provisos; the 4<sup>th</sup> proviso alone being relevant here, is extracted hereunder :-

*“Provided also that the members in the Senate nominated by the Chancellor or the Government under the heading “other members” shall hold their office during the pleasure of the Chancellor or the Government as the case may be.”*

4. The nomination of the petitioners in these writ petitions have been withdrawn by the Chancellor in exercise of the powers conferred under the said proviso



which has ingrained therein, the “Doctrine of Pleasure”.

5. The short background which led to the action of the Chancellor in withdrawing nominations of the petitioners is as under.

6. The Vice Chancellor in office was due to retire on 24.10.2022. Section 10(1) of the Act provides for appointment of Vice Chancellor by the Chancellor in the mode prescribed therein. Section 10(1) reads thus:-

*“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.”*

7. As is evident from the Section, it postulates the constitution of a three-member committee by the

Chancellor. The committee is commonly known as the, “Search-cum-Selection Committee”. The said committee consists of, (i) one member elected by the Senate, (ii) one member nominated by the Chairman of the University Grants Commission, and (iii) the third member nominated by the Chancellor. The Chancellor is to appoint one among the members of the Committee as its Convenor. On the unanimous recommendation of the Committee, the Chancellor is to appoint the Vice Chancellor.

8. Foreseeing the retirement of the Vice-Chancellor in Office, the Chancellor required the Senate to nominate a member to constitute the three-member selection committee. The Chancellor got an impression that there is lack of co-operation from the Senate. He felt that even his nominated members were aiding such action/ inaction. This led to the withdrawal of his nominated members from the Senate.

9. The documents relied on in these writ petitions are more or less common. For the sake of convenience, the Exhibits produced along with WP(C) No. 33701 of 2022 are referred to in this judgment.

10. Now I proceed to deal with the factual details, with the events. On 13.06.2022, a communication [Ext.R2(a)] was issued from the office of the Chancellor to the University, requiring to elect a member from the Senate, for constituting the three member “search-cum-selection committee”. Steps were so initiated by the Chancellor in view of the ensuing retirement of the Vice Chancellor in office on 24.10.2022.

11. On 15.07.2022, as per Ext.P1, the senate elected one Dr. V.K.Ramachandran as its representative to the Committee. However, he declined to accept the same. Ext.P2 is the communication dated 04.08.2022 issued by him to the University in the said regard.

12. Thereupon, the University, on the very same day (04.08.2022), sent Ext.P3 communication to the office of the Chancellor, intimating such events and undertaking to take urgent steps to convene a special meeting of the Senate for electing a fresh nominee to the “search-cum-selection committee”.

13. On 05.08.2022, the Chancellor issued Ext.P4 notification, constituting the “Search-cum-Selection Committee” consisting of his nominee and the nominee of the University Grants Commission, and further providing that, the third member, i.e., nominee of the Senate, shall be included in the Committee as and when the nomination is received from the University. Ext.P4 notification further states that, the nominee of the Chancellor shall be the Convener of the Committee.

14. On 20.08.2022, the Senate of the University held a special meeting. The Senate resolved that Ext.P4 notification issued by the Chancellor is not in

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conformity with Section 10(1) of the Act, and decided to request the Chancellor to withdraw the notification. The minutes of the meeting was forwarded from the University to the Office of the Chancellor on 22.08.2022.

15. The above was followed by correspondences from both offices; the ones from the office of the Chancellor requiring nomination without delay, and those from the University requiring withdrawal of Ext.P4 notification.

16. On 29.09.2022, Ext.P9 communication was issued from the office of the Chancellor pointing out the inaction of the University in furnishing nomination, and directing to furnish the nomination by 11.10.2022. It was cautioned that any failure will be considered as an act of statutory dereliction, an act in utter disregard to the interests of the University, and as refusal to comply with the lawful directions of the Head of the University.

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17. Thereupon, as per Ext.P10 notice dated 01.10.2022 a special meeting of the Senate was convened to be held on 11.10.2022, to elect a representative to the “search-cum-selection committee”. However, on 11.10.2022 business could not be transacted for lack of quorum. On the very same day, as per Ext.P12 communication, the above was intimated to the office of the Chancellor.

18. As per Ext. P13 communication dated 13.10.2022, the Chancellor required the Vice-Chancellor to provide the names of the nominated members of the Chancellor under the category of “Ex-Officio Members” and “Other Members” who attended/not attended the meeting of the Senate held on 20.08.2022, that is, the meeting in which the Senate resolved to request the Chancellor to withdraw Ext.P4 notification. The details as sought, was provided by the University as per communication dated 14.10.2022 [Ext.R2(p)].

19. The above was followed by Ext.P14 communication dated 15.10.2022, conveying the orders of the Chancellor withdrawing his nominated members from the Senate with immediate effect. This was followed by Ext.P16 notification from the office of the Chancellor dated 18.10.2022, regarding withdrawal of his nominated members from the Senate with effect from 15.10.2022. The above has led to the writ petitions.

20. Heard Sri.P.Ravindran, learned Senior Counsel, and the learned counsel Sri.Elvin Peter P.J., and Sri.N.Raghu Raj, on behalf of the respective petitioners, Sri.S.Gopakumaran Nair, learned Senior Counsel on behalf of the Chancellor, and Sri.Thomas Abraham, the learned standing counsel for the University.

21. The learned counsel for the petitioners contend that, the order of withdrawal of nomination was not preceded by a notice, nor were the petitioners given an

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opportunity of hearing prior to the passing of the order. It was further argued that, on the facts obtaining, the petitioners were justified in their conduct of not having nominated a member to the Committee since, the Committee constituted under Ext.P4 was not one constituted as per the Act.

22. Sri.Gopakumaran Nair. S, the learned counsel for the Chancellor would on the other hand contend that, as per Section 7(2) of the Act, the Chancellor is the head of the University. The nominees are only agents or trustees of the nominator and they have no independent right or discretion to function on their own accord. They were bound to act as per the directions of the nominator, which they failed. The nominated members having acted against the interests of the Chancellor, it was well within his powers to invoke the 4<sup>th</sup> proviso to Section 18 and withdraw the nomination.



23. The learned Standing Counsel for the University would submit that, the University Statutes prescribe procedures for holding of meetings, modification of earlier resolutions etc. and unless the said procedural formalities were duly complied, meetings could not be held. In the light of the statutory prescriptions, decisions in compliance with the legal requirements could not be taken in haste as was required by the Chancellor. So also, the haste was really unnecessary since the office of the Vice-Chancellor would fall vacant only on 24.10.2022.

24. The law on “the Doctrine of Pleasure” and the scope of judicial review, is no longer *res integra*; it has been settled by the Apex Court and also by this Court in various judgments. The “Doctrine of Pleasure” has its genesis under the common law. A public servant could be dismissed from service by the Crown at its pleasure. However, the doctrine lost the said trait when it was

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applied in India, which is a republic, wedded to the rule of law functioning under a written Constitution. The authoritarian doctrine, though couched in an unfettered manner, is but subject to the rule of law. While considering the justiciability on the exercise of the power of Doctrine of Pleasure, there is no adjudication of any lis. The contours of judicial review is confined to, finding out if the exercise of the power was “arbitrary, capricious or malafide”. There is no requirement of any notice preceding exercise of the power, or to assign any cause for exercise of the power. Though there is no need to assign reasons, the need for a valid and compelling reason, exists. In exercise of the doctrine of pleasure, the principles of natural justice have no application. [See *Deepak v. University of Kerala* 2014 (1) KLT 520, *Krishna vs. State of Maharashtra and Ors.* 2001 (2) SCC 441; *B.P. Singhal vs. Union of India (UOI) and Ors.* 2010 (6) SCC 331].

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25. *Deepak's case (supra)*, was one wherein the Division Bench had specifically considered the Doctrine of Pleasure engrained in the 4<sup>th</sup> proviso to Section 18 of the Act. While considering the exercise of the doctrine of pleasure under the 4<sup>th</sup> proviso to withdraw nominations of a member of the Senate, the Division Bench observed that, there must be reasons for withdrawal of the nominations. The Division Bench, after observing that the scope of judicial intervention is only when the exercise of power is arbitrary, mala fide, and capricious, concluded thus :-

*“The Chancellor acts as an authority under the Statute. Therefore, the principle is that when the Chancellor in removing the nominated member acts in an arbitrary or mala fide manner or he acts in a capricious manner certainly the Court has jurisdiction to interfere.”*

26. Therefore, this Court is essentially called upon to consider whether the exercise of the pleasure

doctrine was arbitrary, capricious or malafide. Such consideration shall be done conscious of the fact that, this Court is not exercising an appellate jurisdiction.

27. While considering whether the exercise of the “pleasure doctrine” in withdrawing the nominated members, was arbitrary, capricious, or malafide, it would be of some relevance, though not determinative, to understand and bear in mind the nature/capacity/status of a “nomination” and a “nominee”. Is the process of “nomination” under Section 17 of the Act the mere creation of an agency and, is a “nominee” a mere agent or a mouthpiece of the nominator? If it is so, then there could possibly be an absolute privilege in invoking the pleasure doctrine, and the vices, “arbitrary, capricious and mala fide” would hardly have relevance or application. Therefore, it is necessary to understand the concept of nomination and the status of a nominee under Section 17 of the Act.

28. The relevant provisions under Section 17 of the Act relating to nomination of “Ex-Officio Members” and “Other Members” read thus:-

**“Ex-Officio Members”**

*“(13) Seven heads of University departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.*

*(14) Four Deans of the Faculties of the University who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.”*

**“Other Members”**

*(2) Not more than nine members nominated by the Chancellor representing*

- (i) recognised research institutions;*
- (ii) recognised cultural associations;*
- (iii) chambers of commerce;*
- (iv) industries;*
- (v) authors;*
- (vi) journalists;*
- (vii) lawyers;*
- (viii) sports; and*
- (ix) linguistic minorities”*

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A plain reading of the provisions suggest that, the term “nominated” occurring in the Section signifies only to, an act of “naming”. The nomination is to ensure the representation of cross sections of the Society from specified categories.

29. Now let us ponder over the scope of the term “nominations” and “nominee”. With regard to the role of a nominee, the stand of the Chancellor is that, he is only an agent or trustee of the nominator, having no independent right or discretion to function; rather, the nominee is to act on the dictates of the nominator. It would be necessary to refer to the statement filed on behalf of the Chancellor, wherein, the role of a nominee is mentioned. The relevant averments are contained in paragraph 7 of the statement and it reads thus:-

*“Even otherwise, there is no legal or moral right for a nominee of an authority in a representative body to act against the decision/stand of the authority, its nominator, and to continue as a member in the body. As per the definition in the Black's Law*

*Dictionary, a 'nominee' is "one who has been nominated or proposed for an office, one designated to act for another as his representative in a rather limited sense. It is used sometimes to signify an agent or trustee. It has no connotation, however, other than that of acting for another, in representation of another, or as the grantee of another." Hence, it is submitted, the law on the subject is well settled that, a 'nominee' is only an agent or trustee of his nominator and has no independent right or discretion to function on in his own way in the nominated office. Even going by the 'morality of law', "it is obvious that duties, both moral and legal, arise of an exchange, an exchange of promises, based on the principle of reciprocity and the morality of duty" (The Morality of Law, Lon L. Fuller, Yale University Press, Universal Book Traders, 1969)."*

The learned senior counsel Sri.S.Gopakumaran Nair further asserted that the status of the nominee of the Chancellor under Section 17 of the Act is only as mentioned above.

30. In the context in which the term nomination is used in the Section, as noted above, I am unable to

comprehend the term as suggested by the first respondent. The term nomination/nominee has different facets/colours. In the context of elections, it has one connotation; in arbitration proceedings, when parties nominate Arbitrators, it has another tenor. Nomination of Arbitrator could never be understood to be the appointment of an agent to speak on behalf of the nominator. So also, there are nominations and nominees while conferring awards. Again, the term has a different meaning while used with reference to assets. Therefore, the term would literally mean only, "naming a person".

31. In Words and Phrases, Permanent Edition, the words "nominate and nominations" have been explained thus:-

*"The word "nominate" ordinarily means to name, designate by name, or appoint."*

*"The terms "nominate" and "appoint" are not synonymous, though there are some instances where the terms may be used to mean the same thing."*



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*“Nomination for office involves selections of particular candidates to be voted for. Nominations by the examiners consist simply in naming a number of eligibles from among whom the commissioners must make selections.”*

*“Nomination” means the act of suggesting or proposing a person by name as a candidate for an office.”*

*“Nominations” is equivalent to the word “appointment”, when used by a mayor in an instrument executed for the purpose of appointing certain persons to office.”*

The Oxford Advanced Learner's Dictionary defines  
“nominate” as:-

*“Nominate :- to formally suggest that somebody should be chosen for an important role, prize, position, etc.”*

In The Law Lexicon by P. Ramanatha Aiyar Second Edition  
1997, he explains the term “nomination' thus:-

*“Nominations” is equivalent to the word “appointments”, when used by a mayor in an instrument executed for the purpose of appointing certain persons to office.”*

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In Black's Law Dictionary 8<sup>th</sup> Edition "nomination" is stated to mean :-

- "1. The act of proposing a person for election or appointment.*
- 2. The act of naming or designating a person for an office, membership, award, or like title or status."*

Similar exposition of the terms is found in K.J.Aiyer's Judicial Dictionary 15<sup>th</sup> edition 2011 :-

*"Nomination. To nominate as may be seen from any dictionary, means to name or designate by name for office or place. Webster's New Twentieth Century Dictionary, gives the word 'nomination' among other meanings: 'The naming or appointing a person to an office; the naming of a person as a candidate for election or appointment to an office'. A meaning of the word 'nominate' is 'to propose for office'."*

32. From the above, and the context in which the power of nomination is conferred on the Chancellor to act under Section 17, it is evident that, the process of nomination as mentioned in the Section is not an act of

constituting an agent or a mouthpiece to speak his master's voice. The act of nomination as mentioned in Section 18 is only, exercising the power to name a person from a particular category/class as mentioned in the Section.

33. Thus understanding the scope of “nomination” and the power of “nominee” under Section 18 of the Act, I proceed to consider whether the act of withdrawal of nominated members was vitiated by “arbitrariness, capriciousness or mala fides”, which alone, as noticed supra, are the grounds on which the exercise of pleasure doctrine is justiciable.

34. At the very outset it needs to be observed that, none of the petitioners have raised an argument that, the act of the Chancellor is vitiated by malafides. What remains is, the consideration whether the action was arbitrary or capricious, and that too within the limited scope of judicial review as was

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noticed earlier.

35. While considering whether the order/act of withdrawal was “arbitrary” or “capricious”, the exact meaning of the said terms need to be understood. Dictionaries or law lexicons suggest that the term “arbitrary” and “capricious” are synonymous, in the sense that, the words have the same or nearly the same meaning. As per the various dictionaries and law lexicons, the term arbitrary means, unreasonable, unsupported, irrational, illogical, groundless, unjustifiable, autocratic, unrestrained, inhibiting or restraining personal freedom.

36. In *Sanchit Bansal v. Joint Admission Board (2012) 1 SCC 157*, the Apex Court explained the term “Arbitrary” and “Capricious” thus :-

*“An action is said to be arbitrary and capricious, where a person, in particular, a person in authority does any action based on individual discretion by ignoring prescribed rules, procedure or law and the action or decision is founded on*

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*prejudice or preference rather than reason or fact. To be termed as arbitrary and capricious, the action must be illogical and whimsical, something without any reasonable explanation.”*

The Corpus Juris Secundum defines the term “arbitrariness” and “arbitrary” thus:-

*“**ARBITRARINESS.** Conduct or acts based alone upon one's will, and not upon any course of reasoning and exercise of judgment, action or ruling not based on reasonable grounds.*

***ARBITRARY.** The term “arbitrary” has been variously defined, but in general is defined as willful and unreasoning action, without consideration and regard for the facts and circumstances presented.”*

In Stroud's Judicial Dictionary of Words and Phrases, the term “arbitrarily” is explained thus :-

*“**ARBITRARILY.** To act “arbitrarily” is to act “without any reasonable cause”, to act “capriciously” is to act “without any apparent reason”*

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In Words and Phrases Permanent Edition, the words “arbitrary” and “capricious” are explained thus:-

*“Arbitrary” means without adequate determining principle; not done or acting according to reason or judgment.”*

*“Arbitrary” and “capricious”, in legal sense, as distinguished from opprobrious or popular meaning, are used in technical sense as meaning without rational basis.”*

*“To constitute “arbitrary” or “capricious” exercise of discretion by administrative board or officer, it must appear that its action is based on conclusions from the evidence such that reasonable men fairly and honestly considering the evidence must reach contrary conclusions.”*

*“The term “arbitrary” and “capricious” mean willful and unreasoning action, without consideration of and in disregard of the facts and circumstances of the case, and action is not “arbitrary” or “capricious” when exercised honestly and upon due consideration, where there is room for two opinions, however much it may be believed that an erroneous conclusion was reached.”*

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Oxford Advanced Learner's Dictionary of Current English has explained the meaning of the term “arbitrary” as :-

*“of an action, a decision, a rule, etc. not seeming to be based on a reason, system or plan and sometimes seeming unfair”*

Thus, understanding the concept of “arbitrariness” and “capriciousness”, whether the order of withdrawal is vitiated thereby needs to be considered.

37. The facts and sequence of events leading to the order of the Chancellor withdrawing his nominated members from the Senate have been adverted to in detail, supra. As was required by the Chancellor, on 15.07.2022, the Senate nominated a member. However, on **04.08.2022**, the nominee declined to accept. On the very same day, the office of the Chancellor was informed the same and had assured that, “urgent steps for convening a special meeting of the Senate for electing a fresh nominee of the Senate to the Search-cum-Selection Committee will be

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taken”. However, on the very next day i.e., on 05.08.2022, Ext.P4 notification was issued from the office of the Chancellor constituting the Search-cum-Selection Committee with the nominees of the Chancellor and the University Grants Commission. The nominee of the Senate was to be included as and when the same is nominated. Apart from the truncated nomination, one among the two notified members was appointed as the Convener of the Committee and was so notified. Incidentally it is noticed that, in terms of Section 10(19) of the Act, when a permanent vacancy occurs in the office of Vice-Chancellor, the Chancellor is to take steps for appointment of Vice-Chancellor within one month from the occurrence of vacancy. The office was to fall vacant only on 24.10.2022.

38. As noticed, the non-acceptance of nomination made by the Senate was informed by the nominee as per communication dated 04.08.2022. On the very same day it



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was informed at the office of the Chancellor and assured that steps would be taken for fresh nomination. It is surprising to note that, in spite of the above, on the very next day a committee with two members was notified. In terms of Section 10(1), the Search-cum-Selection Committee is to be constituted with three members. Therefore, the constitution of the Committee, is not in accordance with the Statute. So also, appointment of Convener is to be from the three-member Committee. However, in Ext.P4 notification, one among the two nominees have been appointed as the Convener. This also is not in tune with the prescriptions under Section 10(1) of the Act. Therefore, the constitution of the Search cum Selection Committee and the appointment of its Convenor under Ext.P4, are not in accordance with law.

39. Evidently, for the reasons as above, the Senate in its meeting held on 20.08.2022 resolved to request

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the Chancellor to withdraw the notification, to enable constitution of a Search-cum-Selection Committee in accordance with Section 10(1) of the Act. It appears that the Chancellor considered it as a challenge on his authority.

40. As per Ext.P9 communication dated 29.09.2022, the office of the Chancellor directed that, the nominee of the University shall be elected by 11.10.2022 failing which the inaction would be treated as statutory dereliction and utter disregard of the interest of the University and wilful noncompliance with the directions of the Head of the University.

41. Thereupon, on 01.10.2022, a meeting of the Senate convened to be held on 11.10.2022. Statute 3(2) of Chapter 1 of the Kerala University First Statutes, 1977 stipulates that, a notice of not less than ten days shall be given for a meeting of the Senate specially convened for the purpose of election of member to the

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Search-cum-Selection Committee. Even if the communication would have been served on the members the very next day it would not have satisfied the time stipulation mandated under the First Statutes for lack of ten days notice. Still the meeting was convened in compliance with the directions from the office of the Chancellor. However, business could not be transacted in the meeting due to want of quorum. The meeting having been convened without compliance of the mandates under the First Statutes, the mere failure to be present in the same could not be frowned upon. This is in addition to the fact that the earlier notification dated 05.08.2022 constituting a two-member committee with a Convener, which is apparently in non-compliance with the Act, was yet to be withdrawn.

42. It is pursuant to the above incident that, the office of the Chancellor sought details of the members who attended the meeting of the Senate held on

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20.08.2022 which adopted the resolution against Ext.P4 notification constituting Select Committee. On receipt of the details, which included the names of the nominated members, followed the withdrawal of the nominated members of the Chancellor.

43. As noticed earlier, the nominee under Section 17 of the Act is not a mere mouthpiece or an agent. His actions need be in accordance with law. He has to act according to law. The order of withdrawal of the nominated members is not for any alleged illegal act. While this Court is not to sit in judgment or appeal over the reasons for the withdrawal of nomination, it is evident that the order is not based on any reason, but, was rather founded on prejudice. It was an unreasoned act, without regard to the facts and circumstances. All the above points to arbitrariness. It appears that the Chancellor was under a misconception regarding the role of nominee, which also contributed to the arbitrary

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action. Therefore, on the facts as noticed above, this Court finds that, the order withdrawing the nominated members suffers from the vice of arbitrariness. The orders withdrawing the nominated members are thus liable to be interfered with.

44. As regards the petitioners in W.P.(C) No.33664/2022, the facts involved are slightly different. The petitioners therein were nominated under the head “Ex-Officio Members” in Section 17 as included in Serial Number (13) therein. The said provision has been extracted in the earlier part of this judgment. Noticeably their nominations are also withdrawn purportedly in exercise of the power of pleasure under the 4<sup>th</sup> proviso to Section 18. Though the proviso has been extracted supra, since it is determinative for the issue at hand, is being re-produced again :-

*“Provided also that the members in the Senate nominated by the Chancellor or the Government under the head “other*

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*members*” shall hold their office during the pleasure of the Chancellor or the Government as the case may be.”

45. The proviso is unambiguous that, the nominated members under the heading “Other Members”, shall hold office during the pleasure. Therefore, the application of the 4<sup>th</sup> proviso is confined to the nominees falling under the head “Other Members”. The petitioners in W.P. (C) No.33664/2022 are nominees under the head “Ex-Officio Members” and not under the category “Other Members”. When statute provides for a specific term of office and does not provide for withdrawal therefrom at pleasure, the doctrine of pleasure does not operate. (*See Saji D. Anand vs. State of Kerala and Ors. 2016 (5) KHC 625, State of Kerala v. Saji D. Anand 2018 (1) KLT 343*). Therefore, their nominations could not have been withdrawn in exercise of the doctrine of pleasure under the 4<sup>th</sup> proviso to Section 18(3).

46. On the discussions as above it is held that, the orders of the Chancellor withdrawing the nominations of the petitioners in these writ petitions by invoking the pleasure doctrine engrained under the 4<sup>th</sup> proviso to Section 18(3) cannot be sustained and is liable to be interfered with.

47. As found in paragraph No. 38 of this judgment, the notification dated 05.08.2022 bearing No.GS6-1225/2022 constituting the Search-cum-Selection Committee and the appointment of Convener thereunder, is not in accordance with the mandates under Section 10(1) of the Act. The same is also liable to be interfered with.

Resultantly, the writ petitions are allowed. Order of the Chancellor bearing No.GS6-1225/2022 dated 15.10.2022, the notification bearing No.GS6-1225/2022(2) dated 18.10.2022 withdrawing the nominations of the petitioners from the Senate of the University, and the

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notification bearing No.GS6-1225/2022 dated 05.08.2022  
constituting Search-cum-Selection Committee and Convener  
of the Committee are hereby quashed.

Sd/-  
**SATHISH NINAN**  
**JUDGE**

kns/-

//True Copy//

P.S. to Judge



# VERDICTUM.IN

## APPENDIX OF WP (C) 33677/2022

### PETITIONER EXHIBITS

- EXHIBIT P1 TRUE ELECTION/8/N/OM/ 1ST RESPONDENT. COPY OF THE NOTIFICATION NO. 2019 DATED 02.08.2019 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE LETTER NO. ELECTION/V.C. SELECTION COMMITTEE/2022 DATED 14.07.2022 ISSUED BY THE REGISTRAR, UNIVERSITY OF KERALA.
- EXHIBIT P3 TRUE COPY OF THE NOTIFICATION NO. ELECTION/V.C. SELECTION COMMITTEE/2022 DATED 23.07.2022 ISSUED BY THE 5TH RESPONDENT REGISTRAR OF THE UNIVERSITY.
- EXHIBIT P4 TRUE COPY OF THE LETTER DATED 04.08.2022 SENT BY DR.V.K. RAMACHANDRAN TO THE 3RD RESPONDENT VICE CHANCELLOR.
- EXHIBIT P5 TRUE COPY OF THE COMMUNICATION D.O. LETTER NO. GS6-1225/2022 DATED 04.08.2022 RECEIVED FROM THE OFFICE OF THE 1ST RESPONDENT TO THE UNIVERSITY.
- EXHIBIT P6 TRUE COPY OF THE COMMUNICATION NO. ELECTION/V.C. SELECTION COMMITTEE/2022 DATED 04.08.2022 SENT BY THE 5TH RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE NOTIFICATION NO. GS61225/2022 DATED 05.08.2022 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P8 TRUE COPY OF THE MINUTES OF THE SPECIAL MEETING OF THE SENATE OF THE UNIVERSITY DATED 20.08.2022.
- EXHIBIT P9 TRUE COPY OF THE COMMUNICATION NO. ELECTION/V.C. SELECTION DATED COMMITTEE/2022 22.08.2022 SENT BY THE 5TH RESPONDENT REGISTRAR TO THE 1ST RESPONDENT.
- EXHIBIT P10 TRUE COPY OF THE COMMUNICATION NO. GS6.1225/2022 DATED 29.09.2022 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT VICE CHANCELLOR OF THE UNIVERSITY.

- EXHIBIT P11 TRUE COPY OF THE NOTICE NO. AC.A.1/10333/2022 DATED 01.10.2022 ISSUED BY THE 5TH RESPONDENT CONVENING A SPECIAL MEETING OF THE SENATE TO BE HELD ON 11.10.2022 AT 10.00 A.M.
- EXHIBIT P12 TRUE COPY OF THE MEMORANDUM DATED 07.10.022 SUBMITTED BEFORE THE 5TH RESPONDENT REGISTRAR.
- EXHIBIT P13 TRUE COPY OF THE COMMUNICATION NO. GS6.1225/2022 DATED 13.10.2022 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT TO THE VICE CHANCELLOR.
- EXHIBIT P14 TRUE COPY OF THE ORDER NO. GS6.1225/2022 DATED 15.10.2022 ISSUED BY THE 1ST RESPONDENT TO THE VICE CHANCELLOR.
- EXHIBIT P15 TRUE COPY OF THE COMMUNICATION NO. GS6.1225/2022 DATED 17.10.2022 ISSUED BY THE 1ST RESPONDENT EXTENDING THE TENURE OF THE COMMITTEE FOR APPOINTMENT OF VICE CHANCELLOR.
- EXHIBIT P16 TRUE COPY OF THE NOTIFICATION NO.GS6-1225/2022(2) DATED 18/10/2022 PUBLISHED IN THE EXTRA ORDINARY GAZETTTE DATED 19/10/2022 NOTIFYING THE WITHDRAWAL OF THE PETITIONERS AS SENATE MEMBERS NOMINATED AS PER SECTION 17 OF THE KERALA UNIVERSITY ACT, 1974 WITH EFFECT FROM 15/10/2022
- EXHIBIT R3(A) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 13/06/2022 SENT BY THE PRINCIPAL SECRETARY TO GOVERNOR.
- EXHIBIT R3(B) THE TRUE COPY OF THE LETTER NO.AC.A./10319/2022 DATED 25/06/2022.
- RESPONDENT EXHIBITS
- EXHIBIT R3(C) THE TRUE COPY OF THE NOTIFICATION NO.ELECTION/V.C SELECTION COMMITTEE/2022 DATED 29/06/2022
- EXHIBIT R3(D) THE TRUE COPY OF THE LETTER NO.ELECTION/VC-SELECTION COMMITTEE/2022 DATED 25/07/2022 SENT TO DR. VK RAMACHANDRAN

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- EXHIBIT R3 (E) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 27/07/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.
- EXHIBIT R3 (F) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 04/08/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R3 (G) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 19/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.
- EXHIBIT R3 (H) THE TRUE COPY OF THE LETTER NO.VC/GS6-1225/2022 DATED 23/09/2022 SENT TO THE PRINCIPAL SECRETARY TO THE GOVERNOR.
- EXHIBIT R3 (I) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 23/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R3 (J) THE TRUE COPY OF THE LETTER NO.VC/GS6-1225/2022 DATED 26/09/2022 SENT TO THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R3 (K) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 27/09/2022 33 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R3 (L) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 29/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR
- EXHIBIT R3 (M) THE TRUE COPY OF THE REQUISITION DATED 29/9/2022 SEEKING TO CONVENE A SPECIAL MEETING OF THE SENATE SIGNED BY 63 SENATE MEMBERS ALONG WITH THE APPENDED RESOLUTION
- EXHIBIT R3 (N) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 30/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR
- EXHIBIT R3 (O) THE TRUE COPY OF THE LETTER NO.ELECTION/VC SELECTION COMMITTEE/2022 DATED 11/10/2022

- EXHIBIT R3(P) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 13.10.2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR SEEKING DETAILS OF THE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/NOT ATTENDED THE MEETING HELD ON 20/08/2022
- EXHIBIT R3(Q) THE TRUE COPY OF THE LIST OF SENATE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/DID NOT ATTEND THE MEETING OF THE SENATE ON 20/08/2022
- EXHIBIT R3(R) THE TRUE COPY OF THE LIST OF SENATE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/DID NOT ATTEND THE MEETING OF THE SENATE ON 11/10/2022.
- EXHIBIT R3(S) THE TRUE COPY OF THE LETTER DATED 17/10/2022 SENT BY THE VICE CHANCELLOR TO THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R3(T) THE TRUE COPY OF THE WITHDRAWAL OF PLEASURE OF THE CHANCELLOR IN RESPECT TO THE PETITIONERS AND CERTAIN OTHERS WAS NOTIFIED IN THE OFFICIAL GAZETTE ON 19/10/2022.

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# VERDICTUM.IN

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### PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE NOTIFICATION ISSUED BY THE REGISTRAR, KERALA UNIVERSITY DATED 23.7.2022.
- EXHIBIT P2 TRUE COPY OF THE COMMUNICATION OF VICE CHAIR PERSON OF KERALA SENATE PLANNING BOARD DATED 04.08.2022.
- EXHIBIT P3 TRUE COPY OF THE COMMUNICATION OF THE REGISTRAR TO THE PRINCIPAL SECRETARY TO GOVERNOR DATED 04.08.2022.
- EXHIBIT P4 TRUE COPY OF THE NOTIFICATION NO.GS61225/2022 ISSUED BY CHANCELLOR OF KERALA UNIVERSITY DATED 05.08.2022.
- EXHIBIT P5 TRUE COPY OF THE MINUTES OF THE SPECIAL MEETING OF THE SENATE OF KERALA UNIVERSITY HELD ON 20.08.2022.
- EXHIBIT P6 TRUE COPY OF THE COMMUNICATION ISSUED BY REGISTRAR, KERALA UNIVERSITY DATED 22.8.22.
- EXHIBIT P7 TRUE COPY OF THE LETTER NO.VC/GS6-1225/22 ISSUED BY VICE CHANCELLOR OF THE KERALA UNIVERSITY TO THE PRINCIPAL SECRETARY TO THE GOVERNOR DATED 23.09.2022.
- EXHIBIT P8 TRUE COPY OF THE COMMUNICATION OF THE VICE CHANCELLOR OF KERALA UNIVERSITY TO THE PRINCIPAL SECRETARY TO THE GOVERNOR NO.VC/GS6-1225/2022 DATED 26.09.2022.
- EXHIBIT P9 TRUE COPY OF THE COMMUNICATION NO.VC/GS6-1225/2022 ISSUED BY THE PRINCIPAL SECRETARY OF THE GOVERNOR TO THE VICE CHANCELLOR OF THE KERALA UNIVERSITY DATED 29.09.2022.
- EXHIBIT P10 TRUE COPY OF THE NOTICE NO.AC.A.1/10333/2022 ISSUED BY THE REGISTRAR OF KERALA UNIVERSITY DATED 01.10.2022.

# VERDICTUM.IN

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- EXHIBIT P11 TRUE COPY OF THE MINUTES OF THE SPECIAL MEETING OF THE SENATE OF KERALA UNIVERSITY DATED 11.10.2022.
- EXHIBIT P12 TRUE COPY OF THE COMMUNICATION ISSUED BY THE REGISTRAR OF THE KERALA UNIVERSITY TO THE PRINCIPAL SECRETARY OF THE GOVERNOR DATED 11.10.2022.
- EXHIBIT P13 TRUE COPY OF THE COMMUNICATION NO. GS6.1225/2022(I) ISSUED BY THE PRINCIPAL SECRETARY OF THE GOVERNOR TO THE VICE CHANCELLOR DATED 13.10.2022.
- EXHIBIT P14 TRUE COPY OF THE ORDER NO.GS6-1225/22 ISSUED BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR OF KERALA UNIVERSITY DATED 15.10.2022.
- EXHIBIT P15 TRUE COPY OF THE LETTER ISSUED BY DY. SECRETARY OF THE GOVERNOR TO THE REGISTRAR KERALA UNIVERSITY DATED 19.10.2022.
- EXHIBIT P16 TRUE COPY OF THE NOTIFICATION NO.GS6-1225/2022(2) ISSUED BY CHANCELLOR DATED 18.10.22.
- EXHIBIT R2(A) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 13/06/2022 SENT BY THE PRINCIPAL SECRETARY TO GOVERNOR.
- EXHIBIT R2(B) THE TRUE COPY OF THE SAID LETTER NO.AC.A.I/10319/2022 DATED 25/06/2022
- EXHIBIT R2(C) THE TRUE COPY OF THE NOTIFICATION NO.ELECTION/V.C SELECTION COMMITTEE/2022 DATED 29/06/2022
- EXHIBIT R2(D) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 14/07/2022
- EXHIBIT R2(E) THE TRUE COPY OF THE LETTER NO.ELECTION/VC-SELECTION COMMITTEE/2022 DATED 25/07/2022 SENT TO DR. V K RAMACHANDRAN.
- EXHIBIT R2(F) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 27/07/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.

- EXHIBIT R2 (G) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 04/08/2022
- EXHIBIT R2 (H) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.
- EXHIBIT R2 (I) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 23/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R2 (J) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 27/09/2022 27 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R2 (K) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 29/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR
- EXHIBIT R2 (L) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 30/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR
- EXHIBIT R2 (M) THE TRUE COPY OF THE REQUISITION DATED 7/10/2022 SEEKING TO CONVENE A SPECIAL MEETING OF THE SENATE SIGNED BY 63 SENATE MEMBERS ALONG WITH THE APPENDED RESOLUTION
- EXHIBIT R2 (N) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 13.10.2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR SEEKING DETAILS OF THE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/NOT ATTENDED THE MEETING HELD ON 11/10/2022.
- EXHIBIT R2 (O) THE TRUE COPY OF THE LIST OF SENATE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/DID NOT ATTEND THE MEETING OF THE SENATE ON 20/08/2022.
- EXHIBIT R2 (P) THE TRUE COPY OF THE LIST OF SENATE MEMBERS NOMINATED BY THE HONOURABLE CHANCELLOR WHO ATTENDED/DID NOT ATTEND THE MEETING OF THE SENATE ON 14/10/2022.

EXHIBIT R2(Q)

THE TRUE COPY OF THE LETTER DATED 17/10/2022  
SENT BY THE VICE CHANCELLOR TO THE PRINCIPAL  
SECRETARY TO THE GOVERNOR

EXHIBIT R2(R)

THE TRUE COPY OF THE WITHDRAWAL OF PLEASURE OF  
THE CHANCELLOR NOTIFIED IN THE OFFICIAL GAZETTE  
ON 19-10202219/10/2022.

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**APPENDIX OF WP (C) 33664/2022**

RESPONDENT EXHIBITS

- EXHIBIT R2 (A) THE TRUE COPY OF THE LETTER. NO.GS6-1225/2022 DATED 13/06/2022 SENT BY THE PRINCIPAL SECRETARY TO GOVERNOR.
- EXHIBIT R2 (B) THE TRUE COPY OF THE SAID LETTER NO.AC.A.I/10319/2022 DATED 25/06/2022
- EXHIBIT R2 (C) THE TRUE COPY OF THE NOTIFICATION NO.ELECTION/V.C SELECTION COMMITTEE/2022 DATED 29/06/2022.
- EXHIBIT R2 (D) THE TRUE COPY OF THE LETTER NO.ELECTION/VC-SELECTION COMMITTEE/2022 DATED 25/07/2022 SENT TO DR. V K RAMACHANDRAN
- EXHIBIT R2 (E) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 27/07/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R2 (F) THE TRUE COPY OF THE LETTER DATED 04/08/2022 SENT BY DR.V K RAMACHANDRAN
- EXHIBIT R2 (G) THE TRUE COPY OF THE SAID LETTER NO.GS-6-1225/2022 DATED 04/08/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.
- EXHIBIT R2 (H) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 19/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR.
- EXHIBIT R2 (I) THE TRUE COPY OF THE LETTER. NO.GS6-1225/2022 DATED 23/06/2022 SENT BY THE PRINCIPAL SECRETARY TO GOVERNOR.
- EXHIBIT R2 (J) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 23/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R2 (K) THE TRUE COPY OF THE LETTER NO.VC/GS6-1225/2022 DATED 26/09/2022 SENT TO THE PRINCIPAL SECRETARY TO THE GOVERNOR
- EXHIBIT R2 (L) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 27/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR

- EXHIBIT R2 (M) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 29/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR
- EXHIBIT R2 (N) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 29/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR DIRECTING TO FURNISH SENATE NOMINEE BY 11/10/2022
- EXHIBIT R2 (O) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 30/09/2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR
- EXHIBIT R2 (P) THE TRUE COPY OF THE LETTER NO.ELECTION/VC SELECTION COMMITTEE/2022 DATED 11/10/2022
- EXHIBIT R2 (Q) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 13.10.2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR SEEKING DETAILS OF THE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/NOT ATTENDED THE MEETING HELD ON 20/08/2022
- EXHIBIT R2 (R) THE TRUE COPY OF THE LETTER NO.GS6-1225/2022 DATED 13.10.2022 SENT BY THE PRINCIPAL SECRETARY TO THE GOVERNOR SEEKING DETAILS OF THE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/NOT ATTENDED THE MEETING HELD ON 11/10/2022
- EXHIBIT R2 (S) THE TRUE COPY OF THE LIST OF SENATE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/DID NOT ATTEND THE MEETING OF THE SENATE ON 20/08/2022.
- EXHIBIT R2 (T) THE TRUE COPY OF THE LIST OF SENATE MEMBERS NOMINATED BY THE HON'BLE CHANCELLOR WHO ATTENDED/DID HE NOT ATTEND THE MEETING OF THE SENATE ON .11/10/2022
- EXHIBIT R2 (U) THE TRUE COPY OF THE SAID LETTER NO.GS6-1225/2022 DATED 15/10/2022 SENT BY THE PRINCIPAL SECRETARY TO TO THE GOVERNOR

EXHIBIT R2 (V)

THE TRUE COPY OF THE LETTER DATED 17/10/2022  
SENT BY THE VICE CHANCELLOR TO THE PRINCIPAL  
SECRETARY TO THE GOVERNOR.

EXHIBIT R2 (W)

THE TRUE COPY OF THE WITHDRAWAL OF PLEASURE OF  
THE CHANCELLOR IN RESPECT TO THE PETITIONERS  
AND CERTAIN OTHERS WAS NOTIFIED IN THE OFFICIAL  
GAZETTE 19/10/2022

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