

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 24<sup>TH</sup> DAY OF AUGUST 2023 / 2ND BHADRA, 1945

WA NO. 1395 OF 2023

AGAINST THE JUDGMENT DATED 24.7.2023 IN WP(C) 21806/2023 OF HIGH  
COURT OF KERALA

**APPELLANT/PETITIONER:**

ANIL.K  
AGED 51 YEARS  
S/O. KUNJIRAMAN, NOW RESIDING AT ANJILLIMOTIL HOUSE,  
INDIRA NAGAR ROAD, NEAR KOMBARA SCHOOL, KOMBARA, ALUVA,  
NAD P.O, ERNAKULAM DISTRICT., PIN - 683563  
  
BY ADVS.  
BENCILAL B.S.  
RINU. S. ASWAN  
LEKSHMY I.

**RESPONDENTS/RESPONDENTS:**

- 1 THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES  
(NUALS)  
REPRESENTED BY ITS REGISTRAR, NUALS CAMPUS, HMT COLONY  
P.O, KALAMASSERY, KOCHI., PIN - 683503
- 2 THE VICE-CHANCELLOR  
NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES (NUALS),  
NUALS CAMPUS, HMT COLONY P.O, KALAMASSERY, KOCHI., PIN  
- 683503
- 3 THE EXECUTIVE COUNCIL  
REPRESENTED BY ITS CHAIRMAN/ CONVENOR, NATIONAL  
UNIVERSITY OF ADVANCED LEGAL STUDIES (NUALS),

NUALS CAMPUS, HMT COLONY P.O, KALAMASSERY, KOCHI., PIN  
- 683503

4 JELSON J. EDAMPADAM  
AGE NOT KNOWN, ENQUIRY OFFICER, CHAMBER NO. 434, KHCAA  
CHAMBER COMPLEX, HIGH COURT OF KERALA, ERNAKULAM  
DISTRICT., PIN - 682031

**OTHER PRESENT:**

ADV DR THUSHARA JAMES, SC FOR NUALS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24.08.2023, ALONG WITH WP(C).21806/2023, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 24<sup>TH</sup> DAY OF AUGUST 2023 / 2ND BHADRA, 1945

WP(C) NO. 21806 OF 2023

**PETITIONER/S:**

ANIL.K  
AGED 51 YEARS  
S/O. KUNJIRAMAN, NOW RESIDING AT ANJILLIMOTIL HOUSE,  
INDIRA NAGAR ROAD, NEAR KOMBARA SCHOOL, KOMBARA, ALUVA,  
NAD P.O, ERNAKULAM DISTRICT., PIN - 683563

BY ADVS.  
RINU. S. ASWAN  
BENCILAL B.S.  
LEKSHMY I.

**RESPONDENT/S:**

- 1 THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES  
(NUALS)  
REPRESENTED BY ITS REGISTRAR, NUALS CAMPUS, HMT COLONY  
P.O, KALAMASSERY, KOCHI., PIN - 683503
- 2 THE VICE-CHANCELLOR  
NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES (NUALS),  
NUALS CAMPUS, HMT COLONY P.O, KALAMASSERY, KOCHI., PIN  
- 683503
- 3 THE EXECUTIVE COUNCIL  
REPRESENTED BY ITS CHAIRMAN/ CONVENOR, NATIONAL  
UNIVERSITY OF ADVANCED LEGAL STUDIES (NUALS), NUALS  
CAMPUS, HMT COLONY P.O, KALAMASSERY, KOCHI., PIN -  
683503

4 JELSON J. EDAMPADAM  
AGE NOT KNOWN, ENQUIRY OFFICER, CHAMBER NO. 434, KHCAA  
CHAMBER COMPLEX, HIGH COURT OF KERALA, ERNAKULAM  
DISTRICT., PIN - 682031

BY ADVS.  
NOEL JACOB  
THUSHARA JAMES, SC, NUALS  
M.S.AMAL DHARSAN (K/728/2015)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24.08.2023, ALONG WITH WA.1395/2023, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

**DR.A.K.JAYASANKARAN NAMBIAR  
&  
MOHAMMED NIAS C.P., JJ**

.....

**W.A. No.1395 of 2023  
and  
W.P(C) No. 21806 of 2023**

.....

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

**JUDGMENT**

Mohammed Nias C.P., J

W.A.No.1395/2023 is preferred by the writ petitioner aggrieved by the interim order dated 24.7.2023 that varied the earlier orders dated 5.7.2023 and 10.7.2023.

2. Earlier, the Executive Council of the University took note of the newspaper reports published in the Kerala Kaumudy Daily and Malayala Manorama Daily dated 13.02.2022 and 21.02.2022, respectively, regarding the false allegations against the University, which seriously hampered the reputation and credibility of the University among the public and decided to initiate disciplinary proceedings against two members of the staff, which included the writ petitioner. The writ petitioner had challenged the disciplinary proceedings initiated against him by the respondent University,

and this Court, by judgment in W.P(C) No.25659/2022 dated 7.10.2022, passed the following directions:-

“Taking note of the afore, I dispose of this writ petition with the following directions:

(a) The petitioners will place before the Vice-Chancellor an apposite apology in any manner that they may deem fit and this shall be done within a period of two weeks from the date of receipt of a copy of this judgment.

(b) On the afore apology being received by the Vice-Chancellor, said Authority will consider the same and if it is found to be apposite, then close all further proceedings - including the disciplinary action - against the petitioners through an appropriate order, which shall be issued within a period of one month thereafter.

(c) Needless to say, every legal right of the petitioners, to make their voices against any legitimate apprehension or inequity, is left open; but they are warned that such action shall not breach the limits of decency, decorum, discipline and the parameters of the applicable Regulations.

Needless to say, since this Court has not entered into the merits of any of the contentions, they are all left open to be pursued by the petitioners - including by approaching this Court again, if, for any reason, Vice-Chancellor decides against stopping of action against them in terms of the afore directions.”

3. The petitioner contends that he, acting on the above directions, had filed two apologies, marked as Exts.P11 and P12 in the instant writ petition,

which the Vice Chancellor accepted and decided to drop the proceedings against him. However, the third respondent, the Executive Council of NUALS, taking a stand contrary to Ext.P10 judgment, had decided to continue with the disciplinary proceedings against the petitioner through Ext.P13 and Ext.P14. It is challenging the same that the above writ petition was filed.

4. The learned single Judge, who considered the matter at the time of admission, had stayed the further proceedings by orders mentioned above. Later, by the order impugned in the writ appeal, the learned single Judge, finding that Ext.P14 is only a show cause notice to which the petitioner can submit his reply, directed that the proceedings can go on, but no final orders should be passed without getting orders from this Court. It is this order that is impugned in the writ appeal.

5. When the writ appeal came up for admission, we directed the petitioner to file his reply in response to Ext.P14, which the appellant/writ petitioner did. We also directed the writ petition to be posted along with the appeal.

6. Today, when the matter is taken up, the extract of the minutes of the meeting dated 13.8.2022 pertaining to the proceedings initiated against

the writ petitioner was made available, the relevant portion of which reads as follows:-

“The Executive Council, after considering the unconditional apology submitted by Shri. Anil K., and the opinion of Adv. Thushara James, Standing Counsel of the University, resolved to accept the unconditional apology and his undertaking not to repeat such action in future which may cause disrepute to any Superior Officer or the University. It was also resolved to impose a minor penalty of "censure" on Mr. Anil K., and to close the disciplinary proceedings against him.”

7. The learned counsel for the writ petitioner also submits that he is accepting the punishment of censure meted out to him and will abide by the decision/directions of the Executive Council, in letter and spirit. We record the same.

In the light of the above development, nothing further remains to be considered in the writ appeal or in the writ petition. Accordingly, they are closed.

Sd/-

**DR.A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

Sd/-

**MOHAMMED NIAS C.P.**  
**JUDGE**

okb/

**APPENDIX OF WP(C) 21806/2023**

## PETITIONER EXHIBITS

Exhibit P1 A TRUE COPY OF THE IDENTITY CARD OF THE PETITIONER  
DATED NIL

Exhibit P2 A TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT  
DATED 25.06.22

Exhibit P3 A TRUE COPY OF THE REPRESENTATION GIVEN BY THE  
SECRETARY, SWAN TO THE 2ND RESPONDENT DATED 09.02.22

Exhibit P4 A TRUE COPY OF THE RELEVANT NEWS ITEM PUBLISHED IN  
KERALA KAUMUDI DAILY DATED 13.2.22

Exhibit P5 A TRUE COPY OF THE CHARGE MEMO AND CHARGE STATEMENT  
ISSUED TO THE PETITIONERS DATED 06.04.22

Exhibit P6 A TRUE COPY OF THE REPLIES GIVEN TO THE CHARGES RAISED  
AGAINST THE PETITIONER DATED 20.04.22

Exhibit P7 A TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT  
DATED 04.07.22

Exhibit P8 A TRUE COPY OF THE JOINT REPRESENTATION OF THE  
PETITIONER TO THE 4TH RESPONDENT DATED 27.07.22

Exhibit P9 A TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT  
DATED 27.07.22

Exhibit P10 A TRUE COPY OF THE JUDGMENT OF THIS COURT IN W.P (C.)  
NO. 25659 OF 2022 DATED 07.10.22

Exhibit P11 A TRUE COPY OF THE APOLOGY LETTER TO THE 2ND RESPONDENT  
DATED 26.10.22

Exhibit P12 A TRUE COPY OF THE APOLOGY LETTER TO THE 2ND RESPONDENT  
DATED 06.01.23

Exhibit P13 A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 1ST  
RESPONDENT DATED 24.04.23

Exhibit P14 A TRUE COPY OF THE NOTICE OF THE ENQUIRY OFFICER DATED  
26.06.23