

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 5TH DAY OF JUNE 2024 / 15TH JYAISHTA, 1946

WP(C) NO. 16840 OF 2017

PETITIONER:

THE MANAGER, ST.THOMAS COLLEGE,
ST.THOMAS COLLEGEKOZHENCHERIPATHANAMTHITTA- 689 641

BY ADVS.
SRI.BABY ISSAC ILLICKAL
SRI.ISAAC KURUVILLA ILLIKAL

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO THE
GOVERNMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-
695001
- 2 MAHATMA GANDHI UNIVERSITY
PRIYADARSHINI HILLS, ATHIRAMPUZHA.P.O.KOTTAYAM,
REPRESENTED BY ITS REGISTRAR- 686 560
- 3 UNIVERSITY GRANTS COMMISSION UGC
BAHADUR SHAH SAFAR MARGH, NEW DELHI- 110 002,
REPRESENTED BY ITS SECRETARY
- 4 VICE CHANCELLOR
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRAMPUZHA.P.O.KOTTAYAM- 686 560

BY ADV SRI.ASOK M. CHERIAN, SC, M.G. UNIVERSITY

OTHER PRESENT:

SRI.V.K.SUNIL, SR.GP, SRI.S.KRISHNAMOORTHY, SC(UGC),
SRI.SURIN GEORGE IPE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05.06.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V. KUNHIKRISHNAN, J.

WP(C) No.16840 of 2017

Dated this the 5th day of June, 2024

JUDGMENT

The above writ petition is filed with the following prayers:

- i) *Declare that the petitioner can make appointment of Principals by promotion under Section 59(2) of the Mahatma Gandhi University Act, 1985 in St. Thomas College, Kozhencheri irrespective of the provisions of the UGC Regulations (on Minimum Qualifications for appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) 2010 and that the 2nd respondent University is bound to approve the same subject to the qualifications prescribed in the Kerala University Regulations Relating to Qualifications of Teachers;*
- ii) *Declare that the provisions of the UGC Regulations (on Minimum Qualifications for appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) 2010 has no application to the appointments of Principals made by the petitioner by way of promotion;*
- iii) *Call for the records leading to Exhibit P11; issue a writ of certiorari or any other appropriate writ or order, quash and set aside Ext.P11 to the extent it makes the UGC Regulations (on Minimum*

Qualifications for appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) 2010 applicable for the appointments of Principal in the petitioner's college;

- iv) *Declare that Exhibit P11 order is ultra vires the powers of the Syndicate of the 2nd respondent Mahatma Gandhi University and hence null and void;*
- v) *Call for the records leading to Exhibit P13, Exhibit P14 & Exhibit P15; issue a writ of certiorari or any other appropriate writ, or order or direction, quash and set aside Ext.P13,Ext.P14 & Ext. P15 to the extent it affects the selection and appointment of Teachers including Principal in the petitioner's college through Direct Recruitment;*
- vi) *Declare that the provisions of the UGC Regulations (on Minimum Qualifications for appointment of Teachers and Other Academic Staff in Universities and Colleges and Other Measures for the Maintenance of Standards in Higher Education) 2010 has no application to the petitioner's college for the selection and appointment of Teachers including Principals through Direct Recruitment as stated in the Mahatma Gandhi University Act, 1985;*
- vii) *issue such other orders as this hon'ble Court may deem fit and proper according to the facts and circumstances of the case; [sic]*

3. The counsel appearing for the UGC submitted that the point raised in this writ petition is covered against the petitioner as per judgments in ***Aleyamma Kuruvila and anr. V. Mahatma***

***Gandhi University, Kottayam [2022 (7) KHC 46] &
Aleyamma Kuruvila V. Mahatma Gandhi University, Kottayam
[2023 (2) KHC 11],*** If that is the case, no orders can be passed in
this case.

Thus, this writ petition is closed.

Sd/-

P.V.KUNHIKRISHNAN, JUDGE

SLR

APPENDIX OF WP(C) 16840/2017

PETITIONER EXHIBITS

EXHIBIT P1	PHOTOCOPY OF THE MINORITY CERTIFICATE DATED 23.5.2013 ISSUED BY THE NATIONAL COMMISSION FOR MINORITY EDUCATIONAL INSTITUTIONS
EXHIBIT P1(A)	PHOTOCOPY OF THE PERFORMA OF THE DIRECT PAYMENT AGREEMENT
EXHIBIT P2	PHOTOCOPY OF THE NORMS FOR THE SELECTION OF PRINCIPALS IN COLLEGES UNDER THE MAR THOMA SABHA AND AFFILIATED ORGANIZATIONS
EXHIBIT P3	PHOTOCOPY OF THE RELEVANT PAGES OF THE KERALA UNIVERSITY REGULATIONS RELATING TO QUALIFICATION OF TEACHERS
EXHIBIT P4	PHOTOCOPY OF UGC, REGULATIONS 2010
EXHIBIT P5	PHOTOCOPY OF THE JUDGMENT DATED 24.10.2001
EXHIBIT P6	PHOTOCOPY OF THE JUDGMENT DATED 23.2.2016
EXHIBIT P7	PHOTOCOPY OF THE APPOINTMENT ORDER OF SRI. KC, ZACHARIAH DATED 1.6.2016
EXHIBIT P8	PHOTOCOPY OF THE REJECTION LETTER DATED 17.8.2016
EXHIBIT P8(A)	PHOTOCOPY OF THE REJECTION LETTER DATED 24.11.2016
EXHIBIT P9	PHOTOCOPY OF THE ORDER OF THE HON'BLE SUPREME COURT DATED 27.1.2017 IN SLP(C)... CC NO.1878/2017
EXHIBIT P10	PHOTOCOPY OF THE GOVERNMENT ORDER DATED

19.3.2017

EXHIBIT P11	PHOTOCOPY OF THE ORDER DATED 1.2.2017 OF THE 2ND RESPONDENT
EXHIBIT P12	PHOTOCOPY OF THE COMMUNICATION DATED 30.8.2016
EXHIBIT P13	PHOTOCOPY OF THE GO(P) NO.392/2010/H/.EDN. DATED 10.12.2010
EXHIBIT P14	PHOTOCOPY OF THE UNIVERSITY ORDER DATED 1.8.2011 IMPLEMENTING THE UGC REGULATIONS
EXHIBIT P15	PHOTOCOPY OF THE UNIVERSITY ORDER DT.25.7.2016