

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

MONDAY, THE 1ST DAY OF APRIL 2024 / 12TH CHAITHRA, 1946

WA NO. 472 OF 2024

AGAINST THE ORDER IN WP(C) NO.10520 OF 2024 OF HIGH COURT OF KERALA

APPELLANT(S)/1ST RESPONDENT:

THE CHANCELLOR
UNIVERSITY OF CALICUT, KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM DISTRICT, PIN - 695099

BY ADVS.
S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF KERALA
P.SREEKUMAR (SR.)
S.GOPAKUMARAN NAIR (SR.)
S.PRASANTH

RESPONDENTS/PETITIONER & 2 TO 5 RESPONDENTS:

- 1 DR.M.K. JAYARAJ
AGED 63 YEARS
S/O KUNJUKUTTAN EZHUTHACHAN, RESIDING AT VAISAKHAM,
JUDGIMUKKU, THRIKKAKARA, ERNAKULAM. VICE CHANCELLOR,
UNIVERSITY OF CALICUT, MALAPPURAM DISTRICT, PIN -
673635
- 2 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, HIGHER
EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM
DISTRICT, PIN - 695001
- 3 UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR, UNIVERSITY OF CALICUT
MALAPPURAM DISTRICT, PIN - 673635
- 4 UNIVERSITY GRANTS COMMISSION (UGC)
REPRESENTED BY IT'S SECRETARY HEAD OFFICE, BAHADUR SHAH
ZAFAR MARG, NEW DELHI, PIN - 110002

5 PRINCIPAL SECRETARY TO GOVERNOR,
 KERALA RAJ BHAVAN, VELLAYAMBALAM JUNCTION, JAWAHAR
 NAGAR, THIRUVANANTHAPURAM, PIN - 695001

OTHER PRESENT:

SC P.C SASIDHARAN

 THIS WRIT APPEAL HAVING COME UP FOR HEARING ON
01.04.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT**Amit Rawal, J.**

Present writ appeal is directed against the interim order of the learned Single Bench dated 21.3.2024 arising out of the writ petition No.10520 of 2024 whereby the impugned order Ext.P5 passed by the Chancellor for recalling of the appointment of the writ petitioner/party respondent as Vice Chancellor of the University of Calicut during the pendency of the writ petition on certain points has been stayed.

2. Learned counsel for the appellant submitted that while adjudicating on interim, learned Single Bench has also given an opinion on merits regarding one of the members of the selection committee to be a person of eminence whereas the Chief Secretary cannot be a person of eminence in higher education which would have far reaching consequences at the time of the final adjudication of the writ petition.

3. On the other hand, learned counsel for the UGC submits that UGC Regulations of 2018 has to be strictly applied for the purpose of appointment of the Vice Chancellor and the Chancellor had reconsidered the matter in view of the judgment Ext.P4 and after affording an opportunity of hearing to the writ petitioner, recalled the order of appointment.

4. We have heard the learned counsel for the parties and appraised the paper book. Prima facie, we are of the view that since the matter is subjudiced before the Single Bench, it would not be appropriate for us to adjudicate on the merits and demerits of the matter.

At this point of time, we sought the information from the counsel representing the parties about the next date of hearing of the writ petition. We have been informed that the matter would be taken up after summer vacation. Learned counsel representing the parties submits that they would move an application for early hearing/preponement. We accept the prayer and observe that as and when such application is moved, are sanguine of the fact that the learned Single Bench will endeavour to decide the same at an early date. It is made clear that any observations made in the interim order of Single Bench shall not be construed to an expression of an opinion on the merits in the pending matter.

Writ appeal stands disposed of.

Sd/-

AMIT RAWAL, JUDGE

Sd/-

sab

EASWARAN S., JUDGE

APPENDIX OF WA 472/2024

PETITIONER ANNEXURES

Annexure A1

A TRUE COPY OF THE LETTER DATED
07.06.2019 ISSUED BY THE PRINCIPAL
SECRETARY TO GOVERNMENT, HIGHER EDUCATION
(B) DEPARTMENT