2025:KER:64455

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

MONDAY, THE 25TH DAY OF AUGUST 2025 / 3RD BHADRA, 1947

WP(C) NO. 3197 OF 2025

PETITIONER:

DR.VINODKUMAR JACOB
AGED 55 YEARS
S/O.P.K.JACOB, PAZHOOKUDY HOUSE, RAMALLOOR, KOTHAMANGALAM.P.O., MEMBER SYNDICATE, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, SREEKARIYAM, THIRUVANANTHAPURAM, PIN - 686691

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

RESPONDENT:

1 **THE VICE CHANCELLOR**
APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, SREEKARIYAM, THIRUVANANTHAPURAM, PIN - 695016

2 **THE REGISTRAR**
APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, SREEKARIYAM, THIRUVANANTHAPURAM, PIN - 695016

2025:KER:64455

**3 APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY
CET CAMPUS, SREEKARIYAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS REGISTRAR, PIN - 695016**

**BY ADVS.
SRI A.J. VARGHESE, SR.GOVERNMENT PLEADER
SMT.M.A.VAHEEDA BABU
SRI.BABU KARUKAPADATH
SMT.ARYA RAGHUNATH
SHRI.KARUKAPADATH WAZIM BABU
SMT.P.LAKSHMI
SMT.AYSHA E.M.
SHRI.HASHIM K.M.
SHRI.ABUASIL A.K.
SMT.HANIYA NAFIZA V.S.
SHRI.M.I.INSAF MOOPPAN
SHRI.RISHI VINCENT
SRI.P.K.ABDUL RAHIMAN
SHRI.MANU KRISHNA S.K.
SRI K.R.GANESH
SRI ELVIN PETER P.J. (SR.)**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11.4.2025, ALONG WITH WP(C).5548/2025, THE COURT ON 25.08.2025 DELIVERED THE FOLLOWING:

2025:KER:64455

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

MONDAY, THE 25TH DAY OF AUGUST 2025 / 3RD BHADRA, 1947

WP(C) NO. 5548 OF 2025

PETITIONER:

SAJU I
AGED 46 YEARS
S/O. ISMAIL KANNU, RESIDING AT P.AZEEZ HOUSE, KILLI, KOLLODE P.O., THIRUVANANTHAPURAM, PIN - 695571

BY ADV SHRI.T.RAJASEKHARAN NAIR

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, HIGHER EDUCATION (J) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 **APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY**
REPRESENTED BY ITS REGISTRAR, CET CAMPUS, SREEKARIYAM, THIRUVANANTHAPURAM, PIN - 695016

3 **THE VICE CHANCELLOR**
IN CHARGE OF APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPU, SREEKARIYAM, THIRUVANANTHAPURAM, PIN - 695016

2025:KER:64455

4 THE REGISTRAR
APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, CET CAMPUS, SREEKARIYAM, THIRUVANANTHAPURAM, PIN - 695016

BY ADVS.
SRI A.J. VARGHESE, SR.GOVERNMENT PLEADER
SMT.M.A.VAHEEDA BABU
SRI.BABU KARUKAPADATH
SMT.ARYA RAGHUNATH
SHRI.KARUKAPADATH WAZIM BABU
SMT.P.LAKSHMI
SMT.AYSHA E.M.
SHRI.HASHIM K.M.
SHRI.ABUASIL A.K.
SMT.HANIYA NAFIZA V.S.
SHRI.M.I.INSAF MOOPPAN
SHRI.RISHI VINCENT
SHRI.MANU KRISHNA S.K.
SRI.P.K.ABDUL RAHIMAN
SHRI.V.MANU, SPL.G.P. TO A.G.
SRI K.R.GANESH
SRI ELVIN PETER P.J. (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11.04.2025, ALONG WITH WP(C).3197/2025, THE COURT ON ON 25.08.2025, DELIVERED THE FOLLOWING:

2025:KER:64455

"CR"

T.R. RAVI, J.

W.P (C) Nos.3197 & 5548 of 2025

Dated this the 25th day of August, 2025

JUDGMENT

W.P (C) No: 3197 of 2025

The prayers in this writ petition are; to call for the records leading to Ext.P4 and quash the same by the issue of a writ of certiorari; to issue any other such writ, order or direction as this Hon'ble Court may deem fit and necessary to meet the ends of justice in the facts and circumstances of the instant case and to award the costs of this case to the petitioner.

2. Petitioner is a member of the Syndicate of the 3rd respondent University. The Vice Chancellor (1st respondent) convened a meeting of the Syndicate to consider various issues included in the 63rd agenda of the meeting of the Syndicate. This Court, as per its judgment in W.P.(C) No.39062/2023, had ordered finalisation of disciplinary proceedings by the Syndicate against one of the employees of the University. The time granted by this Court had expired on 07.10.2024. Even though the Enquiry Officer

submitted his report and the Sub Committee had submitted its recommendation regarding the penalty, the matter has not been finalised due to the delay in convening the meeting of the Syndicate. In the agenda for the 63rd meeting, this matter was not included. One of the members of the Syndicate mentioned this matter at the meeting and requested inclusion of this item in the agenda. Most of the members present in the meeting supported this suggestion. However, the 1st respondent refused to entertain the request and declared that the meeting was closed, even without considering any of the items on the agenda.

3. A majority of the members present objected to the action of the 1st respondent. After electing one of the members of the Syndicate to preside, the members continued with the meeting in the absence of the 1st respondent, and transacted the business included in the agenda. The 1st respondent, however, passed an order annulling the decision of the Syndicate. The writ petition is filed in the above circumstances. It is contended that there is no provision either under the University Act or the Statute framed thereunder enabling the 1st respondent to annul any

decision of the Syndicate. Reliance is placed on Statute 10 of the APJ Abdul Kalam Technological University First Statutes, 2020, ('First Statutes' for short) which provides that the Syndicate, in its discretion, can consider and discuss any issue brought to its notice. It is contended that the powers conferred on the 1st respondent under Section 14 of the APJ Abdul Kalam Technological University Act, 2015 ('the Act' for short) do not contain any power to annul any of the decisions of the Syndicate and that such power is reserved to be exercised by the Chancellor alone. It is contended that Chapter III sub-statute 1.3, enables the Syndicate to proceed with any transaction included in the agenda by electing one of the members as a Chairperson in the absence of the 1st respondent. It is submitted that it is in exercise of this power that the Syndicate decided to proceed with the 63rd meeting of the Syndicate.

4. The 1st respondent has filed an affidavit contending that the writ petition is not maintainable either in law or on facts. The *locus standi* of a Syndicate member to file the above writ petition is challenged. It is submitted that the writ petition has not been filed on behalf of the Syndicate or as authorised by the

Syndicate, and that there is no averment in the writ petition as to how the petitioner is aggrieved by the decision of the 1st respondent. It is contended that the writ petition proceeds on a wrong premise that a meeting which was called of by the Vice Chancellor can be continued by the other members of the Syndicate, by electing another Chairperson. It is contended that the said provision deals with only a situation where a meeting of the Syndicate is to be convened in the absence of the 1st respondent and does not deal with a situation where a meeting is called off by the 1st respondent due to persistent arguments of some members to include an additional item which was not listed in the circulated agenda, in exercise of the powers conferred on him under Section 14(5) of the Act. It is stated that, as regards the directions of this Court, the 1st respondent took charge only on 28.11.2024, and the report regarding the domestic enquiry was never placed before him for a proper evaluation despite repeated reminders. It is stated that the file was put up only in the second week of January, 2025, and by that time, the 1st respondent got a report that in the Comptroller and Auditor

General's report, the alleged withdrawal of PF amounts is entered as a systemic lapse in the PF Section of the University. It is stated that, given the above facts, the 1st respondent informed the Syndicate at the meeting convened on 16.01.2025, that the matter can be included soon after proper study. It is alleged that some members of the Syndicate who raised the issue wanted to punish the employee concerned and ensure that there is no further enquiry in the matter. It is stated that when it became known that another meeting was convened in his absence without following the due procedure, the 1st respondent exercised the powers vested in him and issued Ext.P4 order and intimated the same to the Chancellor on 16.01.2025 itself. It is stated that the then Registrar reported the above-mentioned illegal and irregular meeting as duly convened, without intimating the 1st respondent, so as to get approval from the Government for his extension without any breaks, since his term was due to expire on 04.02.2025.

W.P (C) No. 5548 of 2025

5. The prayers in this writ petition are; to issue a writ of

mandamus or other orders by directing the Vice Chancellor to convene the meeting of the Syndicate urgently, to place the orders of the Government approving the reappointments of the Registrar of the University and the Controller of Examinations as requested by the petitioner in Ext.P15; to quash Ext.P9 order issued by the 3rd respondent; and to direct the 3rd respondent to implement Ext.P14 orders issued by Government with immediate effect. The petitioner is a member of the Syndicate and the Board of Governors of the 2nd respondent University. The contentions raised against the actions of the 3rd respondent are similar to those in W.P.(C)No.3197 of 2025. It is stated that the decisions of the 63rd meeting of the Syndicate have been forwarded to the Government for approval and the same has also been granted, in particular, the reappointment of the Controller of Examinations. It is contended that though the petitioner and other members of the Syndicate have made requests to the 3rd respondent to convene the meeting of the Syndicate for taking urgent steps to implement the orders of the Government based on the decision of the Syndicate, the 3rd respondent is not convening a meeting.

6. It is contended that the Syndicate of the University is the administrative authority as per the Statutes and the 3rd respondent is only an officer of the University and has to implement the decision of the Governing Body and Syndicate. It is contended that since the Government of Kerala has granted approval of the decision taken by the Syndicate at its 63rd meeting held on 16.1.2025, all that remains is to implement the same. It is alleged that the actions of the 3rd respondent are politically motivated.

7. The 3rd respondent has filed a statement adopting the stand taken in the connected writ petition. It is stated that after the calling off of the meeting of the Syndicate on 16.01.2025, the Controller of Examinations had submitted a handwritten representation dated 10.01.2025 on 16.01.2025 requesting to extend her term and the same was forwarded to the Registrar then and there, to be duly forwarded to the Government. It is pointed out that it can be seen from Ext.P11 that the request had been forwarded to the Government for approval. It is stated that the 3rd respondent is informed that some of the Syndicate

members took offence to the above actions and even threatened the officers. It is stated that the Government declined the request as per Ext.P12 dated 23.01.2025 and the incumbent demitted her office on 24.01.2025. It is stated that thereafter, the then Registrar, without informing the 3rd respondent, submitted Ext.P13 on 01.02.2025 and on the said date itself, the Government instructed the Registrar to re-submit the proposal with the decision of the Syndicate, if any, in this regard. Ext.P17 dated 01.02.2025 was submitted by the Registrar before the Government requesting for extension of his term, with the alleged approved Minutes of the 63rd meeting of the Syndicate, by including the request for extension of the term of Controller of Examinations, which was declined as per Ext.12. It is submitted that the alleged approved minutes was also not placed before the 3rd respondent.

8. It is stated further that the Government has approved the extension of the term of both the Registrar and the Controller of Examinations, as per Exts.P14 and P18 dated 03/02/2025 and that when Exhibits P14 and P18 were put up before the 3rd

respondent, no further action was taken thereon since the matter regarding convening of Syndicate was subjudice by then.

9. Heard Sri P. Ravindran, Senior Advocate, instructed by Advocate Smt. Aparna Rajan, on behalf of the petitioner in W.P.(C)No.3197 of 2025, Sri T. Rajasekharan Nair, on behalf of the petitioner in W.P.(C)No.5548 of 2025, Sri A.J. Varghese, Senior Government Pleader and Smt. M.A.Vaheeda Babu on behalf of the 1st respondent in W.P.(C)No.3197 of 2025 (3rd respondent in W.P.(C)No.5548 of 2025).

10. The facts are not much in dispute. A meeting of the Syndicate had been convened by the Vice Chancellor. It was called off even without transacting any business. Later, the members other than the Vice Chancellor held a meeting by electing a Chairman, in the absence of the Vice Chancellor and passed certain resolutions. The said decisions taken were annulled by the Vice Chancellor, on the reason that it was not a properly convened meeting. The correctness or otherwise of what happened later would depend on the legality of the conduct of the Vice Chancellor in calling off the meeting and that of the other members in

holding a meeting subsequently.

11. The following issues arise for consideration.

1. Whether the First Statute of the University, which is in Vernacular, can be relied on for the purpose of ascertaining the powers of the Syndicate and the Vice Chancellor and their functioning?
2. Whether a writ petition can be maintained by a member of the Syndicate against a decision of the Vice Chancellor, as a person aggrieved?
3. Whether the Vice Chancellor could have called off a meeting which was properly convened, after the meeting has started, without carrying out any of the business which were in the agenda?
4. Whether the Vice Chancellor can annul the decisions taken by the remaining members of the Syndicate after the Vice Chancellor left the meeting, treating the same as not a meeting held in accordance with law ?

12. The first question is of significant importance. Article 348 of the Constitution of India deals with the language to be

used in the Supreme Court and High Court and the authoritative text of Bills, etc. passed by the Legislature of the State and Ordinances promulgated by the Government and orders, rules, regulations and bylaws issued under the Constitution or under any law made by the Legislature of the State. Article 348 reads thus:

> "**348. Language to be used in the Supreme Court and in the High Courts and for Acts, Bills, etc.—** (1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides—
>
> (a) all proceedings in the Supreme Court and in every High Court,
>
> (b) the authoritative texts—
>
> (i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State,
>
> (ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and

(iii) of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by Parliament or the Legislature of a State,

shall be in the English language.

(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State:

Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

(3) Notwithstanding anything in sub-clause (b) of clause (1), where the Legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislature of the State or in Ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye-law referred to in paragraph (iii) of that sub-clause, a translation of the same in the English language published under the authority of the

> Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article."

13. In cases where the Legislature of the State has prescribed any language other than English Language for use in Bills etc., a translation of the same in the English Language published under the authority of the Governor, in the Official Gazette of that State is deemed to be the authoritative text thereof in the English Language. As per Section 2 of the Kerala Official Languages Act, 1969, the language to be used in Bills to be introduced or amendment thereto to be moved in the Legislative Assembly of the State of Kerala, Acts passed by the Legislature of the State of Kerala Ordinances promulgated by the Governor under Article 213 of the Constitution; and orders, rules, regulations and bye-laws issued by the Government under the Constitution or under any law made by Parliament or the Legislature of the State of Kerala shall be Malayalam or English. Thus, Kerala has adopted both Malayalam and English. However, as far as the High Court is concerned, going by the requirement of

Article 348(3), the authoritative text is the one in English Language, either as the original text of the legal document or as a translation published with the authority of the Governor and published in the Official Gazette.

14. In **Prabhat Kumar Sharma v. Union Public Service Commission [(2006) 10 SCC 587]**, the Hon'ble Supreme Court considered a situation where there was difference in the English version and the Hindi version regarding the name of a Scheduled Tribe. The Apex Court held as follows:

> **"19.** The Court after taking notice of Article 348(1)(b) of the Constitution of India which provides that the authoritative text of all Bills to be introduced or amendments thereof to be moved in either House of Parliament shall be in English language came to the conclusion that the Hindi version was a translated version and the original version was the authoritative text and in the Hindi version there was some defect in translation because of which Lohar community had been claiming the advantage of being a Scheduled Tribe when actually they were only a Backward Class and thus could not be given the benefit of reservation as a Scheduled Tribe. It was observed in Nityanand case [(1996) 3 SCC 576] : (SCC p. 584, para 19)

"19. Article 348(1)(b) of the Constitution provides that notwithstanding anything in Part II (in Chapter II Articles 346 and 347 relate to regional languages) the authoritative text of all Bills to be introduced and amendments thereto to be moved in either House of Parliament … of all ordinances promulgated by the President … and all orders, rules, regulations and bye-laws issued under the Constitution or under any law made by Parliament, shall be in the English language. By operation of sub-article (3) thereof with a non obstante clause, where the legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the legislature of the State or in ordinances promulgated by the Governor of the State or in any order, rule, regulation or bye-law referred to in para (iii) of that sub-clause, a translation of the same in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article. Therefore, the Act and the Schedule

> thereto are part of the Act, as enacted by Parliament in English language. It is the authoritative text. When the Schedules were translated into Hindi, the translator wrongly translated Lohara as Lohar omitting the letter 'a' while Lohra is written as mentioned in English version. It is also clear when we compare Part XVI of the Second Schedule relating to the State of West Bengal, the word Lohar both in English as well as in the Hindi version was not mentioned. Court would take judicial notice of Acts of Parliament and would interpret the Schedule in the light of the English version being an authoritative text of the Act and the Second Schedule."

15. In **Thanga Dorai v. Chancellor, Kerala University, [1995 KHC 369]**, a learned Judge of this Court considered the necessity of publication of English translation. In paragraph 22 of the judgment, the court held as follows.

> "**22.** As per Clause (3) of Art.348 of the Constitution, the State Legislature can prescribe any language other than the English language for use in Bills introduced in, or Acts passed by the legislature or in Ordinances promulgated by the Governor. That provision further enjoins the State

Legislature to have a translation of the Bill, Act or Ordinance of any order, rule, regulation or bye-law in English language in the official gazette. Clause (3) further proceeds to state that the translation in English language shall be deemed to be the authoritative text of the Bill, Act or Ordinance etc. So whenever a Bill is introduced in the Legislature or an Act is passed by the Legislature or an Ordinance is promulgated by the Governor or any order, rule, regulation or bye-law is issued in the exercise of the powers to make Subordinate Legislation English translation of the same should be published simultaneously. The said translation is to be deemed to be the authoritative text thereof. Such English translations are not forthcoming immediately after the passing of the Act, promulgation of the Ordinance of the issue of order, rule, regulation, bye-law etc. This is against the constitutional provision contained in Art.348(3) of the Constitution. The Government and the Legislature cannot ignore the said constitutional mandate. So, I take this opportunity to impress upon the Legislature and the Government to issue English translations of the Bills, Acts, Ordinances, Order, Bye-law etc. simultaneously with their introduction, passing, promulgation or issue as the case may be."

16. Thereafter in **Murali Purushothaman v. State of Kerala [2001 SCC OnLine Ker 545],** a Division Bench of this Court considered the issue and held as follows:

> **"3.** Art. 348(1)(b) of the Constitution requires that the authoritative texts of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of Legislature of a State, and of all Acts passed by the Legislature of a State and of all Ordinances promulgated by the Governor of a State, and of all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by the Legislature of a State should be in the English language. C1.(3) of Art. 348 of the Constitution permits usage of any local language other than the English language for use in the Legislature of the State, but requires that a translation of the same in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be authoritative text thereof in the English language, as required, by the said Article.
>
> **4.** In view of this clear mandate of the Constitution, we see no reason or justification for the State of Kerala for not implementing these directives, even after such a long period of time, notwithstanding a specific direction by an

order of this Court in Thanga Dorai v. Chancellor, Kerala University, 1995 (2) KLT 663."

17. However, things did not change even after 28 years after the first judgment and 22 years after the judgment of the Division Bench. A learned Single Judge of this Court again considered the issue in **P.H. Babu Ansari v. The Municipal Council, Kottayam Municipality [2023 (6) KLT 523]**, and after referring to the earlier two decisions reiterated the legal position thus;

> **"10.** In this context, it is apposite to point out that the Legislature and the Rule making authority are bound to issue an English translation, simultaneous with the introduction and passing of the law and the Rules. The requirement of an English text is a Constitutional obligation and cannot be avoided. In the decision in Thanga Dorai v. Chancellor, Kerala University ((1995) 2 KLT 663), it was held that as per Article 348(3) of the Constitution of India, the translation in English language shall be deemed to be the authoritative text of the Bill, Act or Ordinance etc. So whenever a Bill is introduced in the Legislature, or an Act is passed by the Legislature or an Ordinance is promulgated by the Governor or any order, rule, regulation or bye-law is issued in exercise of the powers to make Subordinate

Legislation English translation of the legislation should be published simultaneously. The Court noted that, of late, such English translations are not forthcoming immediately after the passing of the Act, the promulgation of the Ordinance, or the issue of order, rule, regulation, bye law etc., which is against the Constitutional provision contained in Art. 348(3) of the Constitution. The Government and the Legislature cannot ignore the said constitutional mandate.

11. Again, in Murali Purushothaman v. State of Kerala ((2002) 1 KLT 698), a Division Bench of this Court also noticed that Art. 348(1)(b) of the Constitution requires that the authoritative texts of all Bills and all Acts passed by the Legislature and of all Ordinances promulgated by the Governor of a State, including all orders, rules, regulations and bye-laws issued under this Constitution or under any law made by the Legislature of a State to be in the English language. Art. 348(3) of the Constitution permits usage of any local language other than English for use in the Legislature of the State but requires that a translation of the same in the English language be published under the authority of the Governor of the State in the Official Gazette of that State which shall be deemed to be the authoritative text thereof in the English language, as required by the said Article.

> **12.** The need for publishing statutes and rules in English language need not be reiterated. When a State like Kerala opens its invitation for people from all over the world to invest, it would be incongruous if the laws are incomprehensible to them. The importance of English as an international language of communication and comprehension within and outside the Country cannot be ignored. Parochial considerations have to be kept aside while contemplating growth and development of the State. Enacting laws in English as mandated by the Constitution in a diverse country like India, will not have any bearing on the growth of the regional language. On the other hand, it can enhance the growth potential of the State as an investment destination with better awareness about its laws. Therefore, this Court reminds the State Government to abide by the Constitutional obligation to prepare the texts of all Statutes, Rules and other enactments in English, lest this Court be compelled to issue appropriate directions in that regard. In the instant case, this Court restrains from issuing such directions since a relief of such a nature has not been sought."

18. It is disheartening to note that all the reminders issued by this Court are falling into deaf ears. The First Statutes of the University (3rd respondent in W.P.(C)No.3197 of 2025) was introduced in the vernacular and even today there is no English

Translation of the Statutes as required under Article 348(3) of the Constitution of India available before the Court as an authoritative text, to be looked into. Admittedly, the Statute was brought into force in the vernacular in 2020, much after the judgments of this Court in **Thanga Dorai (supra)** and **Murali Purushothaman (supra)**. The requirement of an authoritative text, for use in the High Court was however not taken note of either at the time of introducing the Statutes or for the five years thereafter, till today. This Court can only feel helpless when it reiterates what has been stated earlier on three occasions by this Court and hopes that the Legislature would not ignore the Constitutional requirements while legislating or while issuing any subordinate legislations. This court is stopping short of stating that the Court will ignore the First Statutes in vernacular, since it is very much aware of the view of a Division Bench of the Patna High Court in **Mathura Prasad Singh v. State of Bihar [1975 SCC OnLine Pat 88]**, wherein an argument that there is no authoritative text available in the absence of an English translation was considered and it was held that since the Bihar Legislature has provided for issuance of

Ordinances in Hindi, the Ordinance cannot be said to be *non est* simply because a translation of the same in English language has not been published under the authority of the Governor and that Clause (3) also does not lay down that, if such a translation is not published, the Ordinance will not be effective. To the extent it says that the law will not become *non es*t, I am in respective agreement. However, when it comes to the version that the High Court should treat as the authoritative text, it is necessary going by the Constitutional mandate that the English translation is available. Another Division Bench of the Patna High Court in **Shree Alok Kumar Agrawal & Ors. v. State [1976 KHC 2451]** had considered a similar issue and held that in the absence of the authoritative text, it cannot be held that the Ordinance itself will be ineffective and that the only consequence will be that there will be no authoritative text. Reference was made to the decision of a Division Bench of this Court in **Abdul Samad v. State of Kerala [2007 (4) KLT 473]**, to submit that the non English version can be looked into as an external aid. The said decision is rendered in a case where there is a difference between

the two versions and does not deal with a case where there is total absence of an authoritative text in English.

19. It is all the more important that an English translation as provided in Article 348 (3) of the Constitution is available, in cases where the legislations are regarding Universities which take care of higher education, and when the State is aiming to become a global education hub. Should not the students coming from all over India and all over the World have access to the law relating the University where they wish to pursue their higher education or should we still remain as “Koopa mandookam” (translated as frog in a well)?

20. I shall now address the third question posed in paragraph 11. Section 2(zp) of the A.P.J.Abdul Kalam Technological University Act, 2015 defines "University" as the A.P.J. Abdul Kalam Technological University established and incorporated under the Act. Section 8(xxi) empowers the University to define the powers and duties of the officers of the University other than the Vice-Chancellor. Section 8(xxvi) empowers the University to make Statutes, Ordinances and

Regulations and to amend, modify or repeal the same. Section 8 (xxvii) empowers the University to generally to do such other acts as may be required for the furtherance of the objects and purposes of this Act. Section 9 of the Act spells out the control of the Government over the University in certain matters.

21. Section 14 of the Act deals with the powers of the Vice Chancellor and it reads thus:

> "**S.14**: Powers of the Vice-Chancellor.-(1) The Vice-Chancellor shall be the principal academic and executive officer of the University. He shall be responsible for the development of academic programmes of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.
>
> (2) The Vice-Chancellor shall have the power to convene meetings of any of the authorities, bodies or committees, as and when he considers that such meeting is necessary.
>
> (3) The Vice-Chancellor shall ensure that the directions issued by the Board of Governors are strictly complied with or implemented.

(4) It shall be the duty of the Vice-Chancellor to ensure that the actions of the University are carried out in accordance with the provisions of this Act, Statutes, Ordinances and Regulations and that the decisions of the authorities, bodies and committees are not inconsistent with this Act, Statutes, Ordinances or Regulations.

(5) If there are reasonable grounds for the Vice-Chancellor to believe that there is an emergency which requires immediate action to be taken, he shall, take such action as he thinks necessary, and shall, as soon as may be, report in writing, the grounds for the emergency and the action taken by him, to such authority or body which, in the ordinary course, would have dealt with the matter. In the event of a difference arising between the Vice-Chancellor and the authority, on the issue of existence of such an emergency, or on the action taken or on both, the matter shall be referred to the Chancellor whose decision shall be final.

(6) Where any matter is required to be regulated by Statutes or Regulations but no Statutes or Regulations have been made in that behalf, the Vice-Chancellor shall, for the time being, regulate the matter by issuing such directions as the Vice-Chancellor thinks necessary, and shall, as soon as may be, submit them before the Board of Governors or other authority or body concerned for approval.

(7) The Vice-Chancellor shall appoint the University teachers based on the recommendations of the Selection Committee constituted for the said purpose in such manner as may be presoribed by Statutes and with the approval of the Executive Committee.

(8) The Vice-Chancellor shall appoint all officers of the University of and above the rank of Deputy Registrar based on the recommendations of the Selection Committee constituted in such manner as may be prescribed by Statutes and with the approval of the Executive Committe.

(9) The Vice-Chancellor shall have the financial power to make expenditure subject to the limit fixed by the Statutes.

(10) As the Chairperson of the authorities or bodies or committees of the University, the Vice-Chancellor shall have, subject to the approval of the Executive Committee, the power to suspend a member from the meeting of the authority, body or committee for obstructing or stalling the proceedings or for indulging in behaviour unbecoming of a member and shall report the matter accordingly to the Board of Governors.

(11) Subject to the provisions of the Statutes and Ordinances and the approval of the Executive Committee, the Vice-Chancellor shall have the power to suspend,

discharge, dismiss or otherwise take any disciplinary action against the staff of the University after giving them reasonable opportunity to defend their part.

(12) The Vice-Chancellor shall appoint the members of all Committees and Boards in accordance with the Statutes, unless specified in this Act.

(13) The Vice-Chancellor shall place before the Board of Governors and Executive Committee a report of the work done by the University periodically as provided under the Statutes.

(14) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be conferred upon the Vice-Chancellor by or under this Act and Statutes".

22. Section 16 of the Act deals with the appointment, powers and functions of the Registrar. It says that the Registrar is to be appointed by the Syndicate, with the approval of the Government and recommended by a Selection Committee. The Registrar is the Chief Administrative Officer of the University who is to work directly under the superintendence, direction and control of the Vice Chancellor. The Vice Chancellor is to appoint a suitable person to officiate as the Registrar in case the office of the Registrar is likely to fall vacant for period less than 6 months,

which shall be until a new Registrar is appointed and assumes office or the Registrar resumes duty, as the case may be. The Registrar shall act as Convenor of the Board of Governors and the Executive Committee. The Registrar shall exercise such other powers and perform such other duties as provided by or under this Act or as may be prescribed by Statutes or assigned to him, from time to time, by the Vice Chancellor. Under Section 18, the Controller of Examinations is to be appointed by the Syndicate and is to be a person who is proposed by the Government from among three persons recommended by a Selection Committee determined by the Executive Committee, with the Vice Chancellor as the Convenor. Section 27 of the Act speaks about the Syndicate of the University. Sub-section (1) of Section 27 says that the Syndicate shall be the Chief Executive body of the University which consists of Ex-officio Members and nominated members. Sub-section (2) of Section 27 of the Act says that the Vice Chancellor shall be the Chairperson of the Syndicate and the Registrar shall be the Ex-officio Secretary of the Syndicate.

23. Section 28 of the Act deals with meetings of the

Syndicate which is referred to as Executive Committee, and Section 30 deals with the powers, functions and duties of the Executive Committee, and they read thus:

> "**S.28.** Meetings of the Executive Committee.-(1) The Executive Committee shall meet as often as decided by the Vice-Chancellor but at least once in two months on the dates to be fixed by the Vice-Chancellor. The quorum for a meeting of the Executive Committee shall be five.
>
> (2) The Registrar shall convene the meetings of the Executive Committee at such place and on such date and time as may be directed by the Vice-Chancellor.
>
> **S.30. Powers, functions and duties of the Executive Committee**.-(1) Subject to the provisions of this Act and the Statutes, the executive powers of the University, including the general superintendence and control over the institutions of the University, shall be vested in the Executive Committee.
>
> (2) Subject to the provisions of this Act and the Statutes, the Committee shall have the following powers, namely:-
>
> (i) to make Ordinances in conformity with this Act and the Statutes made thereunder and to amend or repeal the same;

(ii) to propose Statutes for the consideration of the Board of Governors;

(iii) to propose norms and standards for affiliating colleges as regular colleges or autonomous colleges or constituent colleges of the University;

(iv) to establish, maintain and administer hostels and to recognise hostels not managed by the University and to suspend or withdraw such recognition;

(v) to exercise control over the students of the University, to secure their health, well being and discipline and to exercise through the affiliated colleges control for similar purposes over the students of affiliated colleges;

(vi) to control-and regulate admission of students for various courses of study in colleges, departments, or centres maintained by the University;

(vii) to conduct University examinations and approve and publish the results thereof;

(viii) to fix the fees payable to the University and to demand and receive such fees;

(ix) to accept endowments, bequests, donations and transfers of any movable or immovable

properties to the University on its behalf: Provided that all such endowments, bequests, donations and transfers shall be reported to the Board of Governors at its next meeting;

(x) to receive funds for collaboration programmes from foreign agencies subject to the rules and regulations of the Central Government and State Government in that behalf;

(xi) to direct for the management and control of all immovable and movable properties transferred to the University by the Government;

(xii) to consider the financial estimates of the University and submit thein to the Board of Governors in accordance with the provisions of the Statutes made in this behalf;

(xiii) to direct the form, custody and use of the common seal of the University;

(xiv) to arrange for and direct the investigation into the affairs of affiliated colleges, to issue instructions for maintaining their efficiency, for ensuring academic and administrative resources, infrastructural facility, academic performance, performance of teachers of these colleges and in the case of private colleges ensure payment of adequate salaries and service conditions to the

members of the staff and in case of disregard of such instructions, to modify the conditions of affiliation or take such steps as it deems proper in that behalf;

(xv) to define the powers and duties of the officers of the University other than those provided in this Act;

(xvi) to delegate any of its powers to the Vice-Chancellor or to committee appointed from among its members;

(xvii) to exercise such other powers and perform such other functions as may be prescribed by this Act, the Statutes and the Ordinances."

24. It can be seen from the above provisions that Section 28 is the only provision dealing with meetings of the Syndicate. The Section says of four requirements. One is that the Syndicate is to meet as of as decided by the Vice Chancellor and at least once in two months and that too on dates to be fixed by the Vice Chancellor. The second is that the quorum for the meeting is Five members. The third is that the Registrar is to convene the meeting. The fourth is that the meeting is to be convened on such date and time as directed by the Vice Chancellor. It is thus clear

from a reading that no meeting of the Syndicate can happen at the instance of the individual members and has to be necessarily with the junction of the Vice Chancellor and the Registrar.

25. With the above statutory requirements in mind, let us see the facts that are admitted in this case. To begin with, a meeting was properly convened by the Vice Chancellor and it also commenced. Thereafter, the meeting was called off by the Vice Chancellor due to altercations regarding inclusion of an additional item in the agenda. I shall deal with the correctness or otherwise of the above action later. What happened next was that the members of the Syndicate, proceeded to elect a person from among themselves to chair a meeting and held a meeting, treating it as a continuation of the meeting that had already been convened. There is no provision in the Act, for holding such a meeting. Such a meeting cannot be a meeting contemplated by Section 28 of the Act. It was not convened by the Registrar on directions of the Vice Chancellor. Admittedly, an additional item was included in the agenda, which was not originally there. The mere fact that the requirement of the quorum was satisfied, it

cannot be held to be a properly convened meeting of the Syndicate. To hold that such a meeting should be treated as a properly convened meeting can create havoc. At any point of time, 5 members which alone is the quorum required can call a meeting, in the absence of the Vice Chancellor, and upset any earlier decision of the Syndicate, taken in a properly convened meeting. It is to prevent such situations, that even though the quorum is only one-third of the total strength of the Syndicate, controls are laid by requiring that the meeting is to be at the instance of the Vice Chancellor. Even though the Vice Chancellor does not hold a post above that of the Syndicate, going by the scheme of the Act, controls are brought in to ensure that there is no misuse of the provision. In case the Vice Chancellor falters in his duty to call the meeting of the Syndicate, there are sufficient provisions to approach the Chancellor. Such inbuilt controls are required to ensure a smooth and systematic functioning of the University.

26. In the above paragraph, I have deliberately considered only the provisions of the Act, since I have already found that the

First Statutes which is the vernacular cannot be treated as an authoritative text. I hasten to add that, the above conclusion does not in any manner mean that the First Statutes is invalid. All that is required is to comply with the constitutional mandate of publishing an English version in the Official Gazette, which has been authorised by the Governor. I shall now examine the issue, treating the vernacular version as an authoritative text, in the absence of an English translation.

27. The only provision in the First Statutes which is relied on to submit that the second meeting held after the meeting was called off by the Vice Chancellor was a validly held meeting, is Statute 10 of Chapter 3 of the First Statutes, which has been translated from the vernacular as follows:

> "**Meetings** – (1) For the conduct of business of the University, Syndicate meetings shall be convened once in two months or as and when necessary on such date and time decided by the Vice Chancellor.
>
> (2) In the absence of the Vice-Chancellor, the Pro-Vice-Chancellor or a Member elected by the

members for among those present shall preside over the meeting.

(3) Subject to Statute 13 of these Statutes, the Syndicate shall frame the procedure for conduct of its meetings and the meetings of its Standing Committees"

28. The petitioners rely on Statute 10(2) and lay emphasis on the words "in the absence of the Vice-Chancellor". According to them once the Vice-Chancellor left after calling off the meeting, it was a situation of "absence of the Vice-Chancellor" and the remaining members were free to continue the meeting as if it was the meeting earlier convened, ignoring the calling off of the meeting, after electing a person to Chair the meeting. Firstly, it is not a case where there was absence of the Vice Chancellor. As already observed, this can lead to absurdities. Even if the Vice Chancellor was in his office, a meeting can be held in another room by 5 members of the Syndicate and call it as a Syndicate meeting, which is not what is contemplated by law. So also, even if a meeting is completed and all the business is transacted and wound up, five persons can still continue with another meeting

and intermeddle with the decisions already taken earlier. An interpretation of the above said Statute in the manner suggested by the petitioners, will only lead to serious mischief. So, even if the First Statutes in vernacular are to be considered, the situation will not be different and the second meeting will have to be held as not in accordance with law.

29. It is necessary in this context to refer to some decisions which will have a bearing on the subject. This is with regard to the question whether the Vice Chancellor could have called off the meeting which was properly convened, without completing the business stated in the agenda.

30. There is no specific provision regarding the manner in which the Syndicate meeting is to be conducted or in what circumstances a meeting can be called off, either in the Act or in the First Statutes in vernacular. What can be applied are only the general principles regarding the law of meetings.

31. In **Chandrakant Khaire v. Shantaram Kale [(1988) 4 SCC 577]**, the Hon'ble Supreme Court had occasion to consider the question of adjournment of a meeting. The question arose under the

Municipal laws. The Apex Court held thus:

> **"15.** Shackleton on the Law and Practice of Meetings, 7th edn. apart from the passage at p. 44 already quoted, gives the different shades of meaning of adjournment as understood in legal parlance, in the following words:
>
> "Adjournment is the act is (sic) postponing a meeting of any private or public body or any business until another time, or indefinitely, in which case it is an adjournment sine die. The word applies also to the period during which the meeting or business stands adjourned. An adjournment may be:
>
> 1. For an interval expiring on the day of the adjournment.
>
> 2. For an interval expiring on some later date.
>
> 3. For an indefinite time (i.e. sine die).
>
> 4. Until a fixed time and date.
>
> 5. To another place."
>
> The learned author then sets out the different causes giving rise to an adjournment which may be by (1) Resolution of the meeting, (2) Action of

the chairman, and (3) Failure to achieve or maintain a quorum.

16. A properly convened meeting cannot be postponed. The proper course to adopt is to hold the meeting as originally intended, and then and there adjourn it to a more suitable date. If this course be not adopted, members will be entitled to ignore the notice of postponement, and, if sufficient to form a quorum, hold the meeting as originally convened and validly transact the business thereat. Even if the relevant rules do not give the chairman power to adjourn the meeting, he may do so in the event of disorder. Such an adjournment must be for no longer than the chairman considers necessary and the chairman must, so far as possible, communicate his decision to those present.

17. The law relating to adjournment has been put succinctly in Horsley's Meetings Procedure, Law and Practice, 2nd Edn., ed. by W. John Taggart at p. 84, para 1002:

> "The word 'adjournment' tends to be used loosely in connection with meetings. Indeed, as a result, the word is possibly in process of acquiring a further, derived meaning of 'close, conclude or finish',

> whereas a meeting or a debate is adjourned when its further proceedings are postponed to some subsequent time or to enable it to reassemble at some other place; to a later hour in the same day, to some future date, or indefinitely, i.e. sine die (without a day being named). The business (of the whole meeting or the debate respectively) is indeed suspended, but with an intention of deferring it until resumption at a later time."

The learned author goes on to say that the word "adjourn" has been in use for almost five centuries in connection with meetings, with an early meaning of "to put off or defer proceedings to another day", and adds:

> "This in due course gave rise to the added meaning 'to break off for later resumption".

32. The judgment in **Chandrakant Khaire (supra)** was again considered by the Hon'ble Supreme Court in its decision in **Jayantbhai Manubhai Patel v. Arun Subodhbhai Mehta, [(1989) 2 SCC 484]**, which again was a case which arose under

the Municipal laws. In the said case, the correctness of the observation in the earlier judgment that a properly convened meeting cannot be postponed was considered. The relevant paragraphs from the above judgment are extracted below:

> **"13.** As we have pointed out earlier in *Chandrakant Khaire case* [(1988) 4 SCC 577 : AIR 1988 SC 1665] the meeting which was convened had already commenced and the contention of the appellant was that in view of the riotous behaviour of the councillors as well as the outsiders who had got into the meeting, the Commissioner had adjourned the meeting *sine die*. It was common ground that no resolution was passed at the meeting regarding its adjournment. It was in those circumstances that the aforesaid observations have been made by the Division Bench of this Court which decided the case. The Bench in that case was not really concerned with a situation where a meeting had not commenced at all and the notice convening the meeting had been cancelled by the person authorised to issue the notice convening the meeting. In this connection, we may refer to the meaning of the term "adjournment" given in certain dictionaries. It has been observed in Stroud's *Judicial Dictionary*, Fifth Edn., Volume I at

p. 61 that the word "adjournment" must be construed with reference to the object of the context, and with reference to the object of the enquiry. In Webster's *Comprehensive Dictionary*, International Edition, at p. 18 the term "adjournment" has, inter alia, been defined as "(1) To put off to another day or place, as a meeting or session; postpone (2) To put off to the next session, as the decision of a council (3) To postpone or suspend proceedings for a specified time". In *Concise Oxford Dictionary*, Sixth Edn., the word "adjournment" has been defined, inter alia, as "(*i*) Put off, postpone; break off for later resumption". The definitions of the aforesaid term "adjournment" in *Chambers Twentieth Century Dictionary*, Revised Edition (1964) and *Collins English Dictionary* are more or less similar to the aforestated definition of the said term in *Webster Comprehensive Dictionary*, International Edition. It appears to us that strictly speaking, unless the object of the context or inquiry otherwise warrants the term "adjournment" in connection with a meeting should be applied only to the case of a meeting which has already convened and which is thereafter postponed and not to a case where a notice convening a meeting is cancelled and subsequently, a notice for holding the same

meeting on a later date is issued, as in the case before us.

14. It seems that the passage in the judgment in *Chandrakant Khaire case* [(1988) 4 SCC 577 : AIR 1988 SC 1665] which has been strongly relied upon by Respondent 1 has been taken substantially from the observations at p. 156 in Shackleton on the *Law and Practice of Meetings*, Seventh Edition. Shackleton has based those observations on the decision of a single case, namely, *Smith* v. *Paringa Mines Ltd.* [(1906) 2 Ch 193] In that case, a company had two directors and there was disagreement among them regarding the appointment of an additional director. The aggrieved director commenced an action and after this a notice was issued postponing a general meeting already called but, in the belief that the attempted postponement was illegal, the aggrieved director advertised the meeting in the press for the same day as previously arranged. On that day, he with certain other shareholders attended the meeting and at that meeting resolutions were approved re-electing himself as a director and refusing to re-appoint the other director. It was held that the resolutions were valid, for, in the absence of express authority in the articles, the directors of a company have no power to postpone

a general meeting properly convened. It appears, therefore, that these observations are based on a decision which dealt with the powers of the directors of a company which are derived from the articles of association of the company which essentially are in the nature of a compact or an agreement. The only powers which the directors of a company have, are such as have been conferred upon them by articles of association of the company. The powers of the Mayor of the Corporation, on the other hand, are statutory in nature and they are derived from the Bombay Municipal Corporation Act. As set out by us earlier, sub-section (1) of Section 19 of the said Act provides for the election of a Mayor of a Municipal Corporation. The Mayor has various powers conferred under the said Act. Sub-clause (*c*) of clause 1 in Chapter II of the said Schedule in the Municipal Corporation Act provides that except for the first meeting for a new Corporation which has been duly elected, the time, day and place of meeting shall be fixed by the Mayor. The powers of the Mayor regarding the holding of meetings of the Corporation, therefore, are not derived from any compact as in the case of directors of a company but are essentially statutory in nature. We do not think, with respect, that, in these circumstances, it

would be proper to apply the aforestated observations of Shackleton to the present case. Moreover, as we have already pointed out, the case before this Court in *Chandrakant Khaire* v. *Dr. Shantaram Kale* [(1988) 4 SCC 577 : AIR 1988 SC 1665] was not a case where a notice convening a meeting was cancelled and later a notice convening another meeting was issued but it was a case where a meeting duly convened had commenced and it was alleged that the Municipal Commissioner had adjourned it without there being any resolution to that effect. We are, therefore, of the view that the aforesaid observations in the decision of *Chandrakant Khaire case* [(1988) 4 SCC 577 : AIR 1988 SC 1665] are not applicable to the case before us.

xxxxx xxxxx xxxxx

18. In our view, the learned Judges of the Gujarat High Court who delivered the judgment under consideration before us need not have considered themselves bound by the aforesaid observations in *Chandrakant Khaire case* [(1988) 4 SCC 577 : AIR 1988 SC 1665] as they have done. In the first place, these observations do not constitute the ratio of the judgment in that case. The question in that case was whether a meeting which was duly

convened and had commenced could have been adjourned by the Municipal Commissioner and not whether a notice convening a meeting issued by the Municipal Corporation could be cancelled by him before the commencement of the meeting with a view to have the meeting held on a subsequent date. We are of the view that the Division Bench was not really called upon to consider the situation in such a case, as we have pointed out earlier. Moreover, it appears that the Division Bench has not taken into account the provisions of Section 21 of the Bombay General Clauses Act or the principles underlying that section. No argument was advanced before the Division Bench on the basis of that section at all. The attention of the Division Bench was not drawn to the judgment of this Court in *Mohd. Yunus Saleem case* [(1974) 4 SCC 854 : AIR 1974 SC 1218 : (1974) 3 SCR 738] . Had that been done, we feel that the Division Bench which decided the *Chandrakant Khaire case* [(1988) 4 SCC 577 : AIR 1988 SC 1665] might not have made the aforestated observations at all. In our view, the principles underlying Section 21 of the Bombay General Clauses Act would be clearly applicable in considering the scope of the powers of the Mayor of a Municipal Corporation set out in clause 1 of Chapter II of the said Schedule in the

said Act and in particular, in sub-clause (*c*) of the said clause. We may point out that the rules in the Schedule have been framed under the statutory provisions of the said Act and Section 453 of the said Act provides that the rules in the Schedule as amended from time to time shall be deemed to be part of that Act. In our view, the power of the Mayor conferred under clause 1 of Chapter II of the said Schedule must be regarded as a statutory power as distinguished from the powers of directors of a company which are derived strictly from the Articles of Association of the Company which are contractual in nature. There appears to be no reason to take the view that the principles underlying Section 21 of the Bombay General Clauses Act would not apply to the said powers of the Mayor. In our view, Appellant 1, the Mayor of Respondent 5, Corporation, had the power to cancel the notice convening the meeting before the commencement of the meeting with a view to convene the meeting on a later date. The questions, however, whether he has exercised the power within its true ambit is a different question altogether. In this regard, in our opinion, although the Mayor had the power to cancel the notice convening the meeting and to direct the secretary to issue a notice to that effect, the said power could

> be exercised only bona fide and for a purpose or purposes within the scope of the said Act. If the power was exercised mala fide or for a collateral purpose, the exercise of the power would certainly be bad. In the present case, there is considerable factual controversy as to whether, even on the footing that Appellant 1 had the power to cancel the notice convening the meeting that power was exercised bona fide for a purpose within the scope of the said Act or whether it was exercised for collateral or impermissible purposes. We remand the matter to the Gujarat High Court for the determination of that question. In view of the urgency of the matter, we would request the Gujarat High Court to dispose of the writ petition latest by 30-4-1989 as far as possible. The interim order granted by this Court on 16-11-1988 shall continue up to 5-5-1989, subject to any orders which may be passed hereafter by the Gujarat High Court. From that date, it will be for the parties to apply for appropriate interim orders to the Gujarat High Court till the case is finally disposed of by that Court."

33. From the law laid down in the above two judgments, it is clear that the law envisages a situation where a meeting that had been properly convened can be adjourned by the Chairperson

in certain situations. The Apex Court has also stated as to how the law in the case of meetings which are convened under the provisions of a Statute are different from the law relating to companies, where the parties are governed by their contract contained in the Memorandum of Association. In **Jayantbhai Manubhai Patel (supra),** the Court has held that the Mayor had power even to call off a meeting which was properly convened, before it commenced, for *bona fide* reasons. The law is thus clear that in case of statutory meetings, the person who convenes the meeting had power to call off the meeting even before it commenced or to call off a meeting which had already commenced, in certain situations. Hence, such a power has to be conceded in favour of the Vice Chancellor in the case on hand.

34. The only question then is whether the action was *bona fide.* While considering the above question, it is necessary to consider the role of the Vice Chancellor in a University. In **Gambhirdan K. Gadhvi v. State of Gujarat**, [**(2022) 5 SCC 179]**, the Hon'ble Supreme Court observed as follows:

"53. It is to be noted that the post of Vice-Chancellor of the university is a very important post so far as the university is concerned. Being a leader and head of the institution, the Vice-Chancellor of the university has to play very important role. While academic qualifications, administrative experience, research credentials and track record could be considered as basic eligibility requirements, the greater qualities of a Vice-Chancellor would be one who is a true leader and a passionate visionary. A Vice-Chancellor needs to be one who understands and handles the affairs of the university as ethical business and maintains a pellucidity in his conduct towards the betterment of the university as well as the students therein. A Vice-Chancellor should be one who can inspire students and guarantee entry of high quality teachers into the university system. A Vice-Chancellor functions as a bridge between the executive and academic wings of a university as he is the head of both a "teacher" and an "administrator".

54. We may refer to some of the significant Commission Reports concerning the personality and role of a Vice-Chancellor of a university as under:

54.1. The *1949 Radhakrishnan Commission* stated that originally, the Vice-Chancellorship of an Indian university was regarded as an honorary post to be filled by a prominent man in his leisure time. But now the position has changed, there is enough work to justify a full-time appointment and the universities should have full-time paid Vice-Chancellors. While discussing the duties of a Vice-Chancellor, the Commission stated that a Vice-Chancellor must be the chief liaison between the university and the public and must be a keeper of the university's conscience, both setting the highest standard by example and dealing firmly and promptly with indiscipline and malpractice of any kind. He/she must have the strength of character to resist unflinchingly the many forms of pressure. Being a full-time task, it needs an exceptional man (or woman) to undertake it. The Commission rejected the proposal of selecting the Vice-Chancellor by an external body and recommended that the Chancellor should appoint the Vice-Chancellor upon the recommendation of the executive.

54.2. The *1971 Report of the Committee on Governance of Universities and Colleges by the University Grants Commission chaired by Dr P.B. Gajendragadkar, former Chief Justice of India* while

reiterating the recommendations and observations made by the aforesaid commissions also stated that the selection of a Vice-Chancellor is the single most important decision that the governing body of the university may be called upon to make. While the Chancellor of a university may be a high dignitary of the State of the Union of India or an eminent scholar or eminent person in public life of the State, the appointment of Vice-Chancellor, being the important functionary of the university is most strategic. The powers of proper maintenance of discipline and a healthy environment for both teachers and students in the university is vested with the Vice-Chancellor along with all the other powers vested in him/her by various Statutes, Ordinances or Regulations. The Commission also stated that appointment of a Vice-Chancellor is made in most of the universities out of a panel of at least three names by the Chancellor in case of State Universities and by the Visitor in case of Central Universities. The panel of names is prepared by a Search Committee constituted in accordance with the provision of the Act/Statute. Since it was difficult to have a uniform system of forming a committee in all the States, the alternatives to constitute the Search Committee were also provided in the Report.

54.3. The *1990 Report of the UGC Committee towards New Educational Management by Professor A. Gnanam (also called as the Gnanam Committee Report, 1990)* accentuated the role of a Vice-Chancellor, stating that the Vice-Chancellor should be a person with vision and qualities of academic leadership and with a flair for administration because what the universities need is a sensitive, efficient, fair and bold administrator. The Vice-Chancellor should be a distinguished educationist from the higher education system having highest level of competence, integrity, morals and self-respect.

54.4. The *Ramlal Parikh Committee 1993* accented that the universities need distinguished and dignified persons as Vice-Chancellors and it is necessary to ensure that they are treated with dignity and regard, which the office merits.

54.5. The University Grants Commission in its handbook titled *Governance in Higher Education : Handbook for Vice-Chancellors* published in 2019 has penned down the role of Vice-Chancellor of Indian universities having gained a paramount importance in the recent times. In the words of Prof. D.P. Singh, the then Chairman of University

Grants Commission and former Director of National Assessment and Accreditation Council ("NAAC"):

"As Chief Executives and Academic Heads of Universities, the Vice-Chancellors are expected to be efficient and effective in terms of:

(*a*) Implementation of National Higher Education Policy and programmes,

(*b*) Institutional change in tune with the national reforms package,

(*c*) Quality and innovation enhancement and their sustainability,

(*d*) Productive engagement with 'communities of scholars' from within their universities and from national and international domains,

(*e*) Nurturing of 'Research and Innovation Ecosystem' and translation of deliverables to society and economy,

(*f*) Adoption of international best practices of 'Good Governance'."

"The Vice-Chancellor has to evolve as the leader of a symphony of orchestra with the attributes of:

(*a*) Developing teams and teamwork, building partnerships and collaborations delicately

interwoven by collegiality, friendship and intellectual engagement;

(*b*) Devising a strategy and action plan with defined milestones and deliverables;

(*c*) Ensuring primary accountabilities of self and the abovementioned university governing bodies; and

(*d*) Steering an institutional monitoring and evaluation mechanism on university performance built on principles of transparency."

56. Thus, universities are autonomous and the Vice-Chancellor is the leader of a higher education institution. As per the norm, he/she should be an eminent academician, excellent administrator and also someone who has a high moral stature. The aforesaid reports of the Radhakrishnan Commission, Kothari Commission, Gnanam Committee and Ramlal Parikh Committee have highlighted the importance of the role of Vice-Chancellor in maintaining the quality and relevance of universities, in addition to its growth and development, keeping in view, the much needed changes from time to time. Further, these committees have also made suggestions and recommendations for identifying the right person for the said position. At this stage, it is correct to

> say that a Vice-Chancellor is the kingpin of a university's system and a keeper of the university's conscience."

35. The action of the Vice Chancellor in calling off the meeting that had commenced has to be evaluated keeping in mind the above explained significant role that he plays in the running of the University. A certain amount of discretion and play in the joints have to be conceded to the Vice Chancellor. When the Vice Chancellor calls off a meeting due to disruption, it is not for this Court to conduct an enquiry into what happened or might have happened during the meeting, which can be said to justify or not justify the action of calling off the meeting, as if sitting in appeal over the said action. The members of the Syndicate had the option to take up the matter with the Chancellor, if they are aggrieved by the conduct of the Vice Chancellor. If it is to be held that the members can convene meeting by themselves, it would mean that in a case like this, there can be a possibility of the three groups of five members each, can all convene different meetings by themselves, satisfying the quorum for the meeting, and decide as they like, on the so called reason of "absence of the

Vice Chancellor". This would only create ridiculous situations. The third question which was posed in paragraph 11 is answered as above.

36. In the light of my finding regarding questions 1 and 3 posed in paragraph 11, I do not find anything illegal in the order of the Vice Chancellor annulling the decisions taken at the meeting held by the members of the Syndicate, after the meeting was called off, since the said meeting cannot be treated as a meeting of the Syndicate.

37. The counsel for the Vice Chancellor relied on the decision in **Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed [(1976) 1 SCC 671]**, to submit that the members of Syndicates are not aggrieved persons and cannot challenge the decision of the Vice Chancellor. It is submitted that it should be the Syndicate which can be said to be aggrieved and unless the writ petition is filed on behalf of the Syndicate, being authorised to represent the Syndicate, it will not be maintainable. I do not think it is necessary to go into the said question in view of the conclusions stated above. I am also of the opinion that it

may not be in the interests of justice to hold that members of the Syndicate are not persons interested in or aggrieved by the cancellation of a decision, which they contend to be the decision of the Syndicate. The 2nd question that was posed in paragraph 11 is answered as above.

38. Before parting with the case, I would like to remind the authorities and the officers of the Universities the following passage from the decision of the Hon'ble Supreme Court in **Prof. Yashpal v. State of Chhattisgarh [(2005) 5 SCC 420]**.

> **"23.** Shortly after Independence on 4.11.1948 the Government of India constituted a Commission known as "University Education Commission" of which Dr. S. Radhakrishnan was the Chairman. Dr. Tara Chand, former Vice-Chancellor, Allahabad University, Dr. Zakir Hussain, Vice-Chancellor, Aligarh Muslim University, Dr. A. Lakshmanaswami Mudaliar, Vice-Chancellor, Madras University, Dr. Meghnad Saha, Dean, Faculty of Science, Calcutta University and 5 other eminent personalities in the field of education were its members. The Commission gave a very long and exhaustive report. Chapter II of the report deals with the aims of university education and para 2 of Part I is

illustrative and the same is being reproduced below:

> "2. *Universities as the organs of civilisation*.—He indeed must be blind who does not see that, mighty as are the political changes, far deeper are the fundamental questions which will be decided by what happens in the universities. Everything is being brought to the test of reason, venerable theologies, ancient political institutions, time-honoured social arrangements, a thousand things which a generation ago looked as fixed as the hills. If India is to confront the confusion of our time, she must turn for guidance, not to those who are lost in the mere exigencies of the passing hour, but to her men of letters, and men of science, to her poets and artists, to her discoverers and inventors. These intellectual pioneers of civilisation are to be found and trained in the universities, which are the sanctuaries of the inner life of the nation."

39. The Court is hopeful of better tomorrows, where wisdom dawns on the authorities and officers of the Universities and they function in unison, to ensure that the purpose for which

the Universities are formed furthered and not jeopardised by their narrow mindedness.

40. In the result, W.P.(C) No. 3197 of 2025 is dismissed. The prayers (ii) and (iii) in W.P.(C)No. 5448 of 2025 are rejected. There will be a direction to the Vice Chancellor to direct the Registrar to convene a meeting of the Syndicate at the earliest and consider the business that had been left untransacted and such other business that might have arisen subsequently. The Vice Chancellor is reminded that it is not always necessary to adjourn meetings when requests are made to add items to the agenda. It is well within the powers of the Chairman of a meeting to add additional items in the agenda which may become necessary and to discuss on the same and if necessary, postpone the decision to another day.

Sd/-
T.R. RAVI
JUDGE

dsn

2025:KER:64455

APPENDIX OF WP(C) 3197/2025

PETITIONER EXHIBITS

Ext.P1	**TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.39062/2023 DATED 07.03.2024**
Ext.P2	**TRUE COPY OF THE DECISION OF THE SYNDICATE ELECTING THE PETITIONER AS THE CHAIRPERSON FOR THE CONTINUANCE OF THE MEETING HELD ON 16.01.2024**
Ext.P3	**TRUE COPY OF THE DECISION OF THE SYNDICATE HELD ON 16.01.2025 ITEM NO.S-063-OA15**
Ext.P4	**TRUE COPY OF THE ORDER OF THE VICE CHANCELLOR DATED 20.01.2025 NO.U.O.NO.106/2025/KTU**

2025:KER:64455

APPENDIX OF WP(C) 5548/2025

PETITIONER EXHIBITS

Ext.P1	**A TRUE PHOTOCOPY OF THE ORDER NO. G,O. (RT)NO.386/2021/HEDN DATED 26.2.2021 ISSUED BY THE GOVERNMENT OF KERALA**
Ext.P2	**A TRUE PHOTOCOPY OF THE ORDER NO.U.0.NO.359/2021/KTU DATED 26.2.2021 ISSUED BY THE 2ND RESPONDENT**
Ext.P3	**A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE APJ ABDULKALAM TECHNICAL UNIVERSITY ACT, 2015**
Ext.P4	**A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF THE UNIVERSITY ACT, 2015 AND AS AMENDED BY ACT 17 OF 2018**
Ext.P5	**A TRUE PHOTOCOPY OF THE NOTIFICATION NO.GS6- 2838/2022 DATED 27.11.2024 ISSUED BY THE GOVERNOR'S SECRETARIAT KERALA RAJ BHAVAN**
Ext.P6	**A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF SECTION 27 AND 28 IN CHAPTER 4 OF THE APJAKTU ACT 2015**
Ext.P7	**A TRUE PHOTOCOPY OF THE RELEVANT PAGES OF CHAPTER 3 OF THE FIRST STATUTE 2020**
Ext.P8	**A TRUE PHOTOCOPY OF THE ORDER NO.G.O. (RT) NO.50/2021/HEDN DATED 8.1.2021 ISSUED BY THE 1ST RESPONDENT**
Ext.P9	**A TRUE PHOTOCOPY OF THE ORDER NO.U.O.NO.106/2025/KTU DATED 20-1-2025 ISSUED BY THE VICE CHANCELLOR OF THE 2ND RESPONDENT**
Ext.P10	**A TRUE PHOTOCOPY OF THE ORDER DATED 27.1.2025 PASSED BY THIS COURT IN WP(C). NO.3197/2025**
Ext.P11	**TRUE COPY OF THE COMMUNICATION NO. KTU/REGOFFICE/101/2025 DATED 21-1-2025**

	FORWARDED BY THE REGISTRAR TO THE SECRETARY, HIGHER EDUCATION DEPARTMENT
Ext.P12	TRUE COPY OF THE LETTER NO.HEDN-J3/30/2025- HEDN DATED 23.1.2025 SENT BY THE GOVERNMENT TO THE REGISTRAR OF THE UNIVERSITY
Ext.P13	A TRUE PHOTOCOPY OF THE LETTER NO.KTU/ASST3(ADMIN)744/2021 DATED 01.02.2025 SUBMITTED BY THE 3RDRESPONDENT TO THE 1ST RESPONDENT
Ext.P14	A TRUE PHOTOCOPY OF THE LETTER NO. J3/ 45/2025/HEDN DATED 3.2.2025 ISSUED BY THE 1ST RESPONDENT
Ext.P15	A TRUE PHOTOCOPY OF THE LETTER DATED 5.2.2025 MOVED BY THE PETITIONER TO THE VICE-CHANCELLOR
Ext.P16	A TRUE PHOTOCOPY OF THE JUDGMENT DATED 5.2.2018 PASSED BY THIS COURT IN W.P.(C) 29502/2017
Ext.P17	A TRUE PHOTOCOPY OF THE REQUEST DATED 1.2.2025 SUBMITTED BY THE 2ND RESPONDENT BEFORE THE GOVERNMENT I
Ext.P18	A TRUE PHOTOCOPY OF THE ORDER DATED 3.2.2025 ISSUED BY THE GOVERNMENT

RESPONDENT ANNEXURES

ANNEXURE R3(A)	A TRUE COPY OF THE HAND WRITTEN REPRESENTATION DATED 10/01/2025 WHICH WAS SUBMITTED BY THE CE ON 16/01/2025 BEFORE THE VC
ANNEXURE R3(B)	A TRUE COPY OF THE LETTER DATED 01/02/2025 OF THE GOVERNMENT INSTRUCTING THE REGISTRAR TO RE-SUBMIT THE PROPOSAL WITH THE DECISION OF THE SYNDICATE, IF, ANY

PETITIONER EXHIBITS

Ext.P19	A TRUE PHOTOCOPY OF THE RESOLUTION

	PASSED BY THE SYNDICATE OF THE 2ND RESPONDENT UNIVERSITY
Ext.P20	**A TRUE PHOTOCOPY OF THE ORDER DATED 29.1.2025 ISSUED BY THE 3RD RESPONDENT**