



2025:KER:8445

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 3RD DAY OF FEBRUARY 2025 / 14TH MAGHA, 1946

WP(C) NO. 36283 OF 2024

PETITIONER:

P.S.GOPAKUMAR
AGED 52 YEARS
S/O BALAKRISHNA PILLAI, MEMBER,
SYNDICATE, S.P.M.U.P SCHOOL,
AYIKKUNNAM, SASTHAMCOTTA P.O.
KOLLAM, RESIDING AT PALAVILAPUTHEN VEEDU,
AYIKKUNNAM, SASTHAMCOTTA P.O.
KOLLAM, PIN - 690521

BY ADVS.
P.ANIRUDHAN
SANTHEEP ANKARATH

RESPONDENTS:

- 1 THE CHANCELLOR,
UNIVERSITY OF KERALA
KERALA RAJ BHAVAN,
KERALA GOVERNOR'S CAMP P.O,
THIRUVANANTHAPURAM, PIN - 695009
- 2 THE VICE CHANCELLOR
UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM, PIN - 695034
- 3 THE REGISTRAR,
UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM, KERALA, PIN-695 034
(THE NAME OF THE 3RD RESPONDENT IS SUBSTITUTED



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AS 'UNIVERSITY OF KERALA, REPRESENTED BY ITS REGISTRAR' INSTEAD OF 'THE REGISTRAR, UNIVERSITY OF KERALA' AS PER THE ORDER DATED 16.10.2024 IN IA NO.1/2024 IN WP(C) 36283/2024)

**4 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695031**

**BY ADVS.
S.PRASANTH
THOMAS ABRAHAM-R2 AND R3
P.SREEKUMAR (SR.)-R1
SRI. PREMCHAND R. NAIR, SENIOR GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



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JUDGMENT

Dated this the 3rd day of February, 2025

The petitioner, who is a member of the Syndicate of the University of Kerala, has approached this Court seeking to quash Ext.P1 Minutes of the meeting of the Standing Committee of the Syndicate held on 07.06.2024 to the extent of formation of the Selection Committee constituted for appointment of Assistant Professors on contract basis.

2. Ext.P1 Minutes of the meeting of the Standing Committee of the Syndicate would indicate that the University has decided to constitute a Selection Committee for the selection of Assistant Professors on contract basis in each Department consisting of the following members:

1. Convenor, Standing Committee of the Syndicate on Staff, Equipment and Buildings
2. Registrar
3. Head of the Department concerned
4. Subject expert



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3. The petitioner would submit that the University Grants Commission has framed the UGC (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) Regulations, 2018. As per Regulation 5.1, a Selection Committee for appointment to the post Assistant Professor should be chaired by the Vice Chancellor or his nominee. The constitution of the Selection Committee is also different. Respondents 1 to 3 are bound to follow the UGC Regulations in the matter of selection. That is not being done. Ext.P1 and all consequential action thereon are liable to be set aside, contends the petitioner.

4. Standing Counsel entered appearance on behalf of respondents 2 and 3 and resisted the writ petition. On behalf of respondents 2 and 3, it is submitted that the meeting of the Standing Committee of the Syndicate on Staff, Equipment and Buildings, held on 07.06.2024, considered the



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proposals for selection of Assistant Professors and decided to engage 16 Assistant Professors on contract basis in various Departments for handling courses under Four Year Undergraduate Programs in 15 subjects (excluding Hindi).

5. The Committee also decided to constitute a Selection Committee for the selection of Assistant Professors on contract basis in each Department consisting of Convenor, Standing Committee of the Syndicate on Staff, Equipment and Buildings, Registrar, Head of the Department concerned and Subject Expert. The Committee also recommended to seek concurrence from the Government for engaging faculties in project mode for handling Four Year UG Program offered in the corresponding Departments. There is nothing illegal in the constitution of the Committee.

6. The Standing Counsel further pointed out that the petitioner is a member of the Syndicate and if the petitioner has any grievance relating to the administration of the University, the petitioner has to make a submission before



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the Syndicate. Being part of the Syndicate, the petitioner cannot approach this Court invoking Article 226 of the Constitution of India for challenging the majority decision of the Syndicate. The petitioner has no *locus standi*. The writ petition is liable to be dismissed for that reason alone.

7. Standing Counsel appearing for the 1st respondent submitted that in view of the Division Bench judgment of this Court in WA No.96 of 2022, the University Authorities are bound to follow the UGC Regulations even if the appointment to the post of Assistant Professors is on contract basis.

8. I have heard the learned counsel for the petitioner, respective learned Standing Counsel appearing for the respondents and the learned Senior Government Pleader representing the 4th respondent.

9. Ext.P2 is the UGC (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the



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Maintenance of Standards in Higher Education) Regulations, 2018. Regulation 5.1 relates to Selection Committee composition of Assistant Professors in the University. Clause 5.1(I) reads as follows:

5.1 Selection Committee Composition:

I. Assistant Professor in the University:

(a) The Selection Committee for the post of Assistant Professor in the University shall consist of the following persons:

- i) The Vice Chancellor or his/her nominee, who has at least ten years of experience as Professor, shall be the Chairperson of the Committee.
- ii) An academician not below the rank of Professor to be nominated by the Visitor/Chancellor, wherever applicable.
- iii) Three experts in the subject concerned nominated by the Vice Chancellor out of the panel of names approved by the relevant statutory body of the university concerned.
- iv) Dean of the Faculty concerned, wherever applicable.
- v) Head/Chairperson of the Department /School concerned.
- vi) An academician representing SC/ST/OBC/Minority/Women/Differently - abled categories to be nominated by the Vice Chancellor, if any of the candidates from any of these categories is an applicant and if any of the above members of the selection committee does not belong to that category.

(b) Four members, including two outside subject experts, shall constitute the quorum.



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Though the UGC Regulations mandate a Committee headed by the Vice Chancellor or a person nominated by the Vice Chancellor, the Committee constituted by the University consists only of Convenor, Standing Committee of Syndicate on Staff, Equipment and Buildings, Registrar, Head of the Department concerned and Subject Expert. The constitution of the Selection Committee as per Ext.P1 is in conflict with Ext.P2 UGC Regulations.

10. This Court considered the issue of Selection Committee in a Division Bench judgment of this Court in WA No.96/2022. Paragraph 31 of the said judgment held as follows:

31. Going by the provisions contained in the Act, it is obligatory on the part of the Syndicate of the University to institute with prior approval of the State Government Professorships, Readerships, Lectureships and such other teaching and research posts required by the University. It is not disputed that appointment of teachers and other academic staff in Universities is to be made in accordance with the Regulations issued by the University Grants Commission from time to time, in terms of the provisions contained in the University Grants



Commission Act (the UGC Act). The applicable Regulations of the University Grants Commission (the UGC Regulations) make it obligatory for the University to fix the number of full-time and part-time teaching posts keeping in view the total institutional work load. The UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018 (the 2018 Regulations) although enables the Universities to appoint teachers on contract basis, the said course could be aptly resorted to only when the studentteacher ratio does not satisfy the laid down norms and when it is inevitably necessary to fill up vacancies arising owing to attributable reasons such as maternity leave, child care leave etc. The said Regulations provide that in any case, the number of such appointments should not exceed 10% of the total number of faculty positions in the University and that fixed emoluments paid to such contract teachers should not be less than the monthly gross salary of regularly appointed Assistant Professors. In other words, the scheme of the statutes governing the field is that the University is duty bound to institute teaching posts keeping in view of the total institutional work load with the prior approval of the State Government and the University has to discharge its teaching functions making use of the teachers appointed on regular basis. To put it otherwise, the University, under normal circumstances, is not expected to meet its teaching functions by resorting to contract employment. As noted, there is also a restriction that at any rate, contract appointees shall not exceed 10% of total number of faculty positions in the University. Of course, the aforesaid restriction is only one introduced in the 2018 Regulations. But, even before 2018, the scheme of the statutes aforesaid was that contract appointments shall be resorted to only in exceptionally exceptional situations.



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The Division Bench also gave a direction in public interest that the University shall not hereafter resort to contract appointments otherwise than in accordance with the 2018 Regulations.

11. In view of the UGC (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) Regulations, 2018 and Division Bench judgment of this Court in WA No.96/2022, the writ petition is liable to be allowed.

12. Ext.P1 Minutes of the meeting of the Standing Committee of the Syndicate held on 07.06.2024 is set aside to the extent of formation of the Selection Committee constituted for the appointment of Assistant Professors on contract basis. Any consequential action taken pursuant to the meeting held on 07.06.2024 will also be null and void. It is made clear that the University and its authorities



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will be at liberty to make appointments to the post of Assistant Professors following the UGC (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) Regulations, 2018.

The writ petition is disposed of as above.

Sd/-

N.NAGARESH

JUDGE

spk



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APPENDIX OF WP(C) 36283/2024

PETITIONER EXHIBITS

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| Exhibit P1 | A TRUE COPY OF THE EXTRACTS OF THE MINUTES OF THE MEETING OF THE STANDING COMMITTEE OF THE SYNDICATE DATED 07.06.2024 |
| Exhibit P2 | A TRUE COPY OF THE RELEVANT PAGES 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, 2018 |
| Exhibit P3 | A TRUE COPY OF THE TABLE EVIDENCING THE CONSTITUTION OF SELECTION COMMITTEE IN DIFFERENT SUBJECTS IN PURSUANCE OF THE MINUTES OF THE MEETING OF THE STANDING COMMITTEE OF THE SYNDICATE ON STAFF, EQUIPMENT AND BUILDINGS DATED 07.06.2024 |
| Exhibit P4 | A TRUE COPY OF THE NEWSPAPER ARTICLE FROM THE TIMES OF INDIA ONLINE PORTAL DATED 02.10.2024 |
| Exhibit P5 | A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 05.10.2024 |
| Exhibit P6 | THE TRUE COPY OF THE DECLARATION OF RESULTS OF THE ELECTION OF MEMBERS TO THE SYNDICATE OF THE UNIVERSITY OF KERALA DATED 04.08.2024 |



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RESPONDENT ANNEXURES

Annexure R2[A]	THE TRUE COPY OF THE MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 31/8/2024 WHEN THE SYNDICATE CONSIDERED AND APPROVED THE PRELIMINARY MINUTES OF THE MEETING HELD ON 2/7/2024
Exhibit R2[A]	TRUE COPY OF THE U.O.NO.AC.D /04/272/2023, DATED 01/02/2024
Exhibit R2[B]	TRUE COPY OF THE UNIVERSITY ORDER NO.3914/2024/UOK DATED 09/05/2024