

2025 LiveLaw (SC) 815

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J., K.V. VISWANATHAN; J.

Petition for Special Leave to Appeal (C) Nos.20680-20681/2025; 18-08-2025

THE CHANCELLOR, APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY

versus

STATE OF KERALA & ORS.

A.J. Abdul Kalam Technological University Act, 2015; Section 13(7) - Kerala University of Digital Sciences, Innovation and Technology Act, 2021 - Section 11(10) - Appointment of Vice-Chancellor - Supreme Court forms Search Committee headed by Justice Sudhanshu Dhulia (Chairperson) for Kerala University Vice-Chancellor appointments - The chairman is authorized to constitute separate or joint committees - including 2 members from Chancellor's list and 2 from the State's list - Held that Chairperson must be paid an honorarium of Rs. 3 lakhs for every day of proceedings of Search-cum-Selection Committee - Supreme Court laid down appointment process - i. Committee's recommendations endorsed by Chairperson, will be submitted to CM of Kerala; ii. CM can recommend shortlisted names in order of preference, if he believes a candidate is unsuitable their remarks and supporting materials must be sent to Chancellor; iii. The Chancellor will appoint VC from empanelled names, following CM's order of preference; iv. If Chancellor has any reservations against the names or CM's remarks, they can record their opinion with supporting reasons; v. any file where the CM & Chancellor have a disagreement will be sent to SC for a final decision - While this process is underway, Chancellor can issue fresh notifications to continue the current temporary VC in office in accordance with 6 month limit stipulated by Section 13(7) and 11(10) of the respective acts. [Paras 10-22]

[Arising out of impugned final judgment and order dated 14-07-2025 in WA No. 1160/2025 & WA No. 1165/2025 passed by the High Court of Kerala at Ernakulam]

For Petitioner(s): Mr. R.Venkataramani, AG Mr. Venkita Subramoniam T.R, AOR

For Respondent(s): Mr. Jaideep Gupta, Sr. Adv. Mr. C. K. Sasi, AOR Mr. V. Manu, Adv. Ms. Meena K Poulouse, Adv. Mr. Riddhi Bose, Adv. Ms. Racheeta Chawla, Adv. Ms. Rishi Agarwal, Adv. Mr. Siddharth Banerjee, Adv.

ORDER

1. Our order dated 30-7-2025 reads thus: -

"1. Heard the learned Attorney General appearing for the petitioners i.e. Chancellor of the APJ Abdul Kalam Technological University, Kerala and Kerala University of Digital Sciences, Innovation and Technology, Kerala respectively and Mr. Jaideep Gupta, the learned counsel appearing for the State of Kerala.

2. *These petitions arise from the common judgment and order passed by the High Court of Kerala at Ernakulam dated 14-7-2025 in Writ Appeal No.1165/2025 & Writ Appeal No.1160/2025 respectively by which the Writ Appeals filed by the Chancellor of the two Universities came to be dismissed thereby affirming the judgment and order passed by the learned Single Judge in a Writ Petition filed by the State of Kerala questioning the legality and validity of the Notification dated 27-11-2024.*

3. *The Notification dated 27-11-2024 reads thus: -*

"In exercise of the powers conferred by the provisions of A.P.J. Abdul Kalam Technological University Act, 2015 read with UGC Regulations, 2018, the Chancellor hereby orders that pending the appointment of a person as Vice Chancellor of A.P.J. Abdul Kalam Technological University

on a regular basis, Dr. K. Sivaprasad, Professor, Department of Ship Technology, Cochin University of Science and Technology, shall exercise the powers and perform the duties of the Vice Chancellor, A.P.J. Abdul Kalam Technological University, with immediate effect, until further orders.”

4. The challenge to the aforesaid Notification was essentially on the ground that the same is contrary to Section 13 (7) of the APJ Abdul Kalam Technological University Act, 2015.

5. Section 13(7) with which we are concerned reads thus: -

“Where the vacancy of Vice-Chancellor arises in any of the following circumstances, the Chancellor may appoint the Vice-Chancellor of any other University or the Pro-Vice Chancellor of this University or the Secretary to Government, Higher Education Department, recommended by the Government, to be the Vice-Chancellor for a period of not exceeding six months in the aggregate, namely: -

(i) where the committee appointed under sub section (1) is unable to recommend any name within the time-limit specified by the Chancellor;

(ii) where vacancy occurs in the office of the Vice-Chancellor because of death, resignation or otherwise and it cannot be filled: up conveniently and expeditiously in accordance with the provisions of sub-sections (1) to (5);

(iii) where the vacancy in the office of the Vice-Chancellor arises temporarily because of leave, illness or of any other causes;

(iv) where the term of office of the Vice-Chancellor expires; or

(v) where there is any other emergency: Provided that the person so appointed shall cease to hold such office on the date on which the Vice-Chancellor resumes office.”

6. The plain reading of sub-Section 7 of Section 13 would indicate that in the event a vacancy of Vice-Chancellor arises in any of the circumstances prescribed in sub-Section 7, referred to above, the Chancellor may appoint a Vice Chancellor of any other University or the Pro-Vice Chancellor of the University itself or the Secretary to the Government, Higher Education Department as recommended by the Government for a period not exceeding six months in the aggregate.

7. In the Notification which came to be challenged, the words used are “until further orders”.

8. In such circumstances, referred to above, it was argued by the original petitioner i.e. the State of Kerala before the learned Single Judge that the Notification is not in accordance with Section 13(7) of the Act, 2015 and deserves to be struck down.

9. The Writ Petition was adjudicated by the learned Single Judge of the High Court and ultimately the same came to be disposed of with the following directions:-

“A reading of the provisions of sub-section (7) of Section 13 of the 2015 Act indicates that the appointment is only for a period of six months. Ext. P9 notification was issued on 27.11.2024, and the term of appointment of the 3rd respondent is said to expire by 27.5.2025. Taking into consideration the above and also taking into consideration the observations of the Supreme Court regarding the importance of the post of Vice-Chancellor in Gambhirdan K. Gadhvi (supra), I am of the view that this Court need not at present interfere with the appointment of the 3rd respondent as temporary Vice-Chancellor of the University as frequent changes in the person holding that office (even on temporary basis) may not be conducive to the interest of the University and its students. It is settled that the exercise of jurisdiction under Article 226 of the Constitution of India is discretionary. In the light of the above findings, the writ petition will stand disposed of as follows:-

(i) It is declared that Ext.P9 notification is not sustainable in law for the reason that it is not issued in accordance with the procedure contemplated by Section 13(7) of the 2015 Act. However, this declaration will not have the effect of dislodging the 3rd respondent from office, as the tenure of the 3rd respondent is set to expire by 27.05.2025;

(ii) The petitioner shall, forthwith, take steps to recommend to the 1st respondent the names of persons possessing the qualifications prescribed (through regulations) by the UGC, who can be appointed as a temporary Vice-Chancellor of the University pending the selection of a Vice-Chancellor on regular basis;

(iii) The petitioner shall, also simultaneously and if there are no interdicting orders by this Court or the Supreme Court, take steps to fill up the post of Vice-Chancellor of the University in terms of the provisions contained in Section 13 of the 2015 Act on regular basis keeping in mind the provisions of the UGC Regulation on Minimum Qualification for appointment of Teachers in Universities and Colleges, 2018;

(iv) It is clarified that the UGC Regulation on Minimum Qualification for appointment of Teachers in Universities and Colleges, 2018 will govern the method of appointment of the Vice-Chancellor of the University, notwithstanding any contrary provision in the 2015 Act. In other words, it is clarified that the provisions of Section 13 of the 2015 Act shall apply only to the extent that it is in conformity with the UGC Regulation on Minimum Qualification for appointment of Teachers in Universities and Colleges, 2018 both in the matter of qualification for appointment and the procedure for appointment.

10. The Chancellor, being aggrieved by the judgment and order passed by the learned Single Judge preferred two Writ Appeals. The Writ Appeals ultimately came to be disposed of in the following terms: -

“29. An order of temporary appointment of Vice-Chancellor, issued by the Chancellor in exercise of the powers under Section 13(7) of the Technological University Act or Section 11(10) of the Digital University Act shall be for a period of not exceeding six months, in the aggregate. Therefore, under Section 13(7) of the Technological University Act or Section 11(10) of the Digital University Act, the Chancellor has no power to issue notifications like Ext.P9 notification dated 27.11.2024 in W.P(C) No.42527 of 2024 and Ext.P4 notification dated 27.11.2024 in W.P(C)No.43637 of 2024 appointing a person to exercise the powers and perform the duties of the Vice-Chancellor of the Technological University or the Digital University, until further orders, pending regular appointment of the Vice-Chancellor. In such circumstances, the learned Single Judge cannot be found at fault for declaring the said notifications as not sustainable in law, for the above reason.

30. In such circumstances, we find no reason to interfere with the judgment dated 19.05.2025 of the learned Single Judge. The writ appeals fail, and they are accordingly dismissed.

Considering the stalemate existing in the administration of the Technological University and the Digital University, which is continuing for a considerably long period, and which had an adverse impact on the functioning of the said Universities and the interest of the student community, we are of the view that the Chancellor as well as the State Government will have to act proactively, to ensure that regular appointment to the post of Vice-Chancellor in the said Universities are made, without any further delay.”

11. We are of the view that so far as the interpretation of Section 13(7) of the Technological University Act as well as Section 11(10) of the Digital University Act which is *pari materia* is concerned, there need not be any further debate on the same. In both the provisions, the time period prescribed is maximum six months. It is always open for the Chancellor to issue a fresh Notification appointing a Vice-Chancellor but the period in any case cannot exceed six months.

12. Today, we have a situation wherein there is no regular Vice-Chancellor in both the Universities. The Vice-Chancellors which came to be appointed by the Chancellor by virtue of two Notifications under two different enactments continue to function despite the fact that the time period of six months expired on 27-05-2025.

13. The High Court remained well conscious to the fact that this litigation should not lead to a stalemate more particularly when it comes to administration of the Technological University and Digital University respectively is concerned. The High Court has rightly observed that it would

have an adverse impact on the functioning of the said Universities and the interest of the students community.

14. We appreciate the concern expressed by the High Court in this regard.

15. We impressed upon the learned Attorney General for India that the first step now in the process should be to initiate appropriate steps for the appointment of regular Vice-Chancellors in both the Universities.

16. This process may take some time. However, during the interregnum period, it is always open for the Chancellor to issue a fresh Notification appointing a particular person or allowing the particular person already occupying the office in accordance with Section 13(7) of the Technological University Act and Section 11 (10) of the Digital University Act respectively.

17. We are informed that for the purpose of appointment of a regular Vice-Chancellor in both the Universities, the exercise has already commenced. A Search Committee was constituted. However, there has been a challenge to the constitution of the Search Committee at the instance of the State and the High Court has passed an interim order.

18. All that we can say today or rather request Mr. Jaideep Gupta, the learned counsel appearing for the State of Kerala is to work-out some mechanism in harmony with the Chancellor for the appointment of the Vice-Chancellors in both the universities. This should be the first step in the process. We expect the Chancellor also to extend his full cooperation and consider the suggestions at the end of the State Government too. Ultimately, it is not a matter of mere exercise of powers or who would exercise such powers. It has something to do with the education of the students of this country. Both the Universities are of high repute. Why should the students suffer in this type of litigation.

19. In such circumstances, referred to above, while keeping this matter pending before us, we request the learned Attorney General for India as well as the learned counsel appearing for the State of Kerala to undertake the necessary exercise for the appointment of regular Vice-Chancellor in both the Universities at the earliest.

20. We clarify that it shall be open for the Chancellor to issue two fresh Notifications for the purpose of continuing with the present Vice-Chancellors in accordance with Section 13(7) and Section 11 (10) respectively of the two enactments for the appointment of Vice-Chancellors in both the Universities.

21. Let the process start at the earliest.

22. Further developments in the matter shall be informed to us after two weeks.

23. Post it on 13-8-2025 on top of the Board.”

2. After we passed the aforesaid order, this matter was heard on two occasions.

3. We impressed upon both the sides to come out with some workable solution by which a Search-cum-Selection Committee is constituted at the earliest for the two Universities. In the course of the last hearing, we had requested the learned Attorney General to provide us with a list of few names at his end who can be the members of the Committee and at the same time, we had also requested Mr. Jaideep Gupta, the learned Senior counsel appearing for the State of Kerala to provide us with few names. The State has provided us with a list of names for the APJ Abdul Kalam Technological University. The names are as under: -

1. Prof. Ram Ramaswamy (Former Vice Chancellor, Hyderabad Central University)

2. Prof. Niloy Ganguly (Professor, Department of Computer Science and Engineering, IIT, Kharagpur)

3. Prof. V.N. Achutha Naikan (Professor, Reliability Engineering Centre, IIT Kharagpur)

4. Prof. K.N. Madhusoodanan (Former Vice Chancellor, Cochin University of Science and Technology (CUSAT))

5. Prof. M.K. Jayaraj (Former Vice Chancellor, Calicut University, Kerala)

4. So far as the Kerala University of Digital Sciences, Innovation and Technology, Kerala is concerned, the following names have been provided by the State:-

1. Prof. Govindarajan T.R (Visiting Professor of Physics, Madras University and Adjunct Professor, Chennai Mathematical Institute, Chennai)- Convenor

2. Dr. S. Chatterjee (Rtd. Professor, Indian Institute of Astrophysics, Bengaluru)

3. Dr. Sabu Thomas (Former Vice Chancellor, Mahatma Gandhi University, Kottayam, Kerala)

4. Dr. Jayaraman. T (Former Director, TISS (Physicist))

5. Dr. Gangan Prathap (Former Director, NIIST & Former Vice Chancellor, Cochin University of Science and Technology (CUSAT)) Prof.

5. On the other hand, the Chancellor has provided the following names for both the Universities: -

1. Prof. Dr. V. Kamakoti, Director IIT, Chennai: Qualification B.E., Master of Science in Computer Science and Engineering, IIT Madras (1989-1991), Doctor of Philosophy in Computer Science and Engineering, IIT, Madras (Feb. 1992-May, 1995) Professor, Department of Computer Science and Engineering, IIT Chennai.

2. Prof. Dr. Abhay Karandikar, Secretary to the Govt. of India, Department of Science and Technology (on deputation) B.E., M. Tech. IIT Kanpur, Ph.D. IIT, Kanpur, Professor Department of Electrical Engineering, IIT, Mumbai, was Director IIT, Kanpur.

3. Prof. Dr. Shireesh B. Kedare, Director, IIT, Bombay, B.Tech. (Mechanical Engineering) IIT, Bombay, Ph.D. IIT Bombay(1992), Professor, Department of Energy Science and Engineering, IIT Mumbai.

4. Prof. Dr. Avinash Kumar Agarwal, Director, IIT Jodhpur, B.E.,M.Tech. IIT Delhi, Ph.D. IIT, Delhi, Post Doctorate Fellowship, Engine Research Centre, University of Wisconsin, Madison, USA, Professor, Department of Mechanical Engineering IIT, Kanpur.

5. Prof. Dr. Mukul S, Sutaone, Director, Indian Institute of Information Technology, Allahabad, B.E. (Electronics), M.E. Electronics and Communications, Ph.D. (Image Processing). Professor, Department of Electronics and Communication, College of Engineering, Pune.

6. Prof. Dr. Pras Nath Krishna, Director, NIT, Kozhikode, B.Tech., M.Tech (Madras), Ph.D. (University of Michigan & Ann Arbor, USA), Professor NIT, Surathkal.

7. Prof. Dr. Binod Kumar Kanaujia, Director, B.R. Ambedkar, National Institute of Technology, Jalandhar, B.Tech., M.Tech, IIT, BHU and Ph.D. IIT, BHU, Varanasi, Professor and Dean, School of Computational and Integrative Sciences, JNU, New Delhi.

8. Prof. Dr. Sachin Maheswari, Vice Chancellor, Guru Jambheshwar University, Moradabad, B.E., M.E. University of Roorkee, Ph.D., IIT, Delhi, Professor and Dean Faculty of Technology, Netaji Subhash Institute of Technology, Delhi (University of Delhi).

6. We firmly believe that this impasse which has been created should be taken care of at the earliest.

7. In such circumstances, referred to above, we hereby appoint Hon'ble Mr. Justice Sudhanshu Dhulia, former Judge of this Court as Chairperson of the Search-cum-Selection Committee for both the Universities.

8. The learned Chairperson is hereby authorized to constitute separate or joint Search-cum-Selection Committees for the two Universities.

9. The learned Chairperson shall preside over both the Search-cum-Selection Committees and thus composition of each such Committee shall be filled, preferably by two members from the list provided by the Chancellor and two from the list provided by the State. However, ultimately, we leave it to the better discretion of the learned Chairperson. The Search-cum-Selection Committee shall prepare a panel of at least 3 names (alphabetically and not in order of merit) for the two Universities.
10. The learned Chairperson is requested to constitute a Search-cum-Selection Committee for the two Universities as early as possible and within two weeks from today.
11. The Department of Higher Education, Government of Kerala is hereby nominated as the Nodal Department of the State Government to issue advertisements giving wide publicity to invite applications for the posts of Vice-Chancellor. Such advertisements shall contain the details of the requisite qualification(s) and other eligibility conditions with a specific reference to this Court's order so as to infuse confidence leaving no uncertainty in the minds of the meritorious aspirants in submitting their applications.
12. The advertisement shall stipulate four weeks' time to submit the applications.
13. All such applications shall be scrutinized by the department concerned of the State Government within one week and thereafter the entire set of applications be placed before the learned Chairperson of the Search-cum-Selection Committee, who in turn, will get the dossier of each candidate prepared for consideration of the Search-cum-Selection Committee.
14. The Search-cum-Selection Committee may endeavour to complete their task within one month from today.
15. The learned Chairperson shall be paid an honorarium of Rs.3,00,000/- (Rupees Three Lakh only) for every day of proceedings of the Search-cum-Selection Committee, until the entire process is complete.
16. The State Government in addition to honorarium shall provide the Chairperson with a suitable office and full secretarial assistance along with transit accommodation at Thiruvananthapuram, State of Kerala. The learned Chairperson shall also be provided with an official vehicle and necessary paraphernalia forthwith in commensurate with the constitutional position held by him in the past.
17. The members of the Search-cum-Selection Committee shall be entitled to such allowance, perks, and facilities as may have been prescribed under the Statutes or by the State Government. If nothing has been prescribed, in that case, the petitioner State shall apprise this Court of the status on the next date of hearing to enable us to pass appropriate order in this regard. Meanwhile, the State Government is directed to reimburse their air fare (economy class) lodging and boarding expenses within one week of submission of such claims. For the learned Chairperson the reimbursement shall be of business class.
18. The recommendations made by the Search-cum-Selection Committee, duly endorsed by the learned Chairperson, shall be put up before the Chief Minister (and not the Minister-in-charge of a Department) for necessary consideration. In case the Chief Minister, State of Kerala has reasons to believe that any shortlisted person is unsuitable for appointment as Vice-Chancellor, the remarks to this effect along with the supporting material and the original record of the recommendation made by the Search-cum-Selection Committee, shall be put up before the learned Chancellor within two weeks. The Chief Minister shall be entitled to recommend the shortlisted names in order of preference for appointment as Vice-Chancellors.

19. The learned Chancellor upon receipt of record from the Chief Minister of the State, shall appoint the Vice-Chancellors out of the empanelled names, in the same order of preference as recommended by the Chief Minister of the State. In case the learned Chancellor has any reservation against the empanelled names and/or the remarks made by the Chief Minister of the State against any shortlisted candidate, the learned Chancellor shall be entitled to put up his own opinion on file, duly supported with reasons and relevant material.

20. The learned Chancellor shall accord his approval (save and except when there is a difference of opinion) within two weeks of receipt of file from the Chief Minister of the State. The Department of Higher Education, Government of Kerala or any other Department concerned of the State Government are hereby directed to notify the appointment within one week from the date of receipt of approval from the learned Chancellor of the University.

21. In case(s) where the Chief Minister of the State has objected to the inclusion of any name in the panel and such objection is not acceptable to the Chancellor or where the Chancellor has an objection against empanelment of any particular name for which he has assigned his own reasons, all such files shall be put up before this Court. We make it clear that a final decision in this regard shall be taken by this Court after giving reasonable opportunity of being heard to the objectors.

22. The State of Kerala shall file the status report in respect to compliance of the directions issued hereinabove before the next date of hearing. We make it clear that since the constitution and composition of Search-cum-Selection Committee is at the instance and with the consent of the parties, we will not entertain any objection from any side for non-compliance.

23. The aforesaid is without prejudice to the rights and contentions of both the parties.

24. The larger issues involved in this litigation shall be decided once this entire exercise is completed within six weeks.

25. The Registry is directed to forward one copy of this order at the earliest to the Hon'ble Mr. Justice Sudhanshu Dhulia, one copy to the learned Attorney General and one copy to Mr. Jaideep Gupta, the learned counsel appearing for the State of Kerala.

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