

ITEM NO.24

COURT NO.8

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No(s). 20680-20681/2025

[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]

THE CHANCELLOR, APJ ABDUL KALAM TECHNOLOGICAL
UNIVERSITY

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(IA No. 178486/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 30-07-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. R. Venkataramani, Attorney General for India
Mr. P. Sreekumar, Sr. Adv.
Mr. Venkita Subramoniam T.r, AOR
Mr. Rahat Bansal, Adv.

For Respondent(s) :

Mr. Jaideep Gupta, Sr. Adv.
Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.
Mr. Riddhi Bose, Adv.
Ms. Racheeta Chawla, Adv.
Ms. Rishi Agarwal, Adv.
Ms. Sampriti Bakshi, Adv.
Mr. Siddharth Banerjee, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)