



2025:KER:51557

W.A.Nos.1165, 1160, 1181
and 1180 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 14TH DAY OF JULY 2025 / 23RD ASHADHA, 1947

WA NO.1165 OF 2025

AGAINST THE JUDGMENT DATED 19.05.2025 IN WP(C)NO.42637 OF

2024 OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT IN WPC:

THE CHANCELLOR, KERALA UNIVERSITY OF DIGITAL
SCIENCES INNOVATION AND TECHNOLOGY,
KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM, PIN - 695099

BY ADV SHRI.S. PRASANTH, SC, CHANCELLOR OF
UNIVERSITIES OF KERALA

RESPONDENTS/PETITIONER AND RESPONDENTS 2 AND 3 IN WPC:

- 1 STATE OF KERALA, REPRESENTED BY THE ADDITIONAL
SECRETARY TO THE GOVERNMENT,
ELECTRONICS AND INFORMATION TECHNOLOGY
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA UNIVERSITY OF DIGITAL SCIENCES INNOVATION
AND TECHNOLOGY, REPRESENTED BY ITS REGISTRAR,
TECHNOPARK PHASE IV, PALLIPURAM
THIRUVANANTHAPURAM, KERALA, PIN - 695317



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and 1180 of 2025

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3 DR. CIZA THOMAS,
KP 7/240A, EASWARAN THAMPI NAGAR, KALLAYAM P.O,
THIRUVANANTHAPURAM, PIN - 695043

BY ADVS.

GOVERNMENT PLEADER

SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

SHRI.V.MANU, SPL.G.P. TO A.G.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
16.06.2025, ALONG WITH WA.NOS.1160 OF 2025, 1180 OF 2025 AND
1181 of 2025, THE COURT ON 14.07.2025 DELIVERED THE
FOLLOWING:



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W.A.Nos.1165, 1160, 1181
and 1180 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 14TH DAY OF JULY 2025 / 23RD ASHADHA, 1947

WA NO.1160 OF 2025

AGAINST THE JUDGMENT DATED 19.05.2025 IN WP(C)NO.42527 OF
2024 OF HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT:

THE CHANCELLOR, APJ ABDUL KALAM TECHNOLOGICAL
UNIVERSITY, KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM, PIN - 695099

BY ADVS.

SHRI.S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES
OF KERALA

SHRI.P.SREEKUMAR (SR.)

RESPONDENTS/PETITIONER AND RESPONDENTS 2 AND 3 IN WPC:

- 1 STATE OF KERALA, REPRESENTED BY THE JOINT
SECRETARY TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, CET CAMPUS,
THIRUVANANTHAPURAM, PIN - 695016



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and 1180 of 2025

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3 DR. K. SIVAPRASAD, PROFESSOR,
3.DEPARTMENT OF SHIP TECHNOLOGY, COCHIN
UNIVERSITY OF SCIENCE AND TECHNOLOGY,
THRIKKAKARA, KOCHI, PIN - 682022

BY ADVS.

GOVERNMENT PLEADER

SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL

SHRI.V.MANU, SPL.G.P. TO A.G.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
16.06.2025, ALONG WITH WA.NOS.1165 OF 2025, 1180 OF 2025 AND
1181 of 2025, THE COURT ON 14.07.2025 DELIVERED THE
FOLLOWING:



2025:KER:51557

W.A.Nos.1165, 1160, 1181
and 1180 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 14TH DAY OF JULY 2025 / 23RD ASHADHA, 1947

WA NO.1180 OF 2025

AGAINST THE JUDGMENT DATED 19.05.2025 IN WP(C) NO.42637 OF
2024 OF HIGH COURT OF KERALA

APPELLANT/3RD RESPONDENT:

DR. CIZA THOMAS,
AGED 57 YEARS
KP 7/240A, EASWARAN THAMPI NAGAR, KALLAYAM P.O,
THIRUVANANTHAPURAM, PIN - 695043

BY ADVS.
SMT.NISHA GEORGE
SRI.GEORGE POONTHOTTAM (SR.)
SRI.A.L.NAVANEETH KRISHNAN
SMT.KAVYA VARMA M. M.
SMT.SILPA SREEKUMAR

RESPONDENTS/PETITIONER AND RESPONDENTS 1 AND 2 IN WPC:

1 STATE OF KERALA, REPRESENTED BY THE ADDITIONAL
SECRETARY TO THE GOVERNMENT,
ELECTRONICS AND INFORMATION TECHNOLOGY
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001



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- 2 THE CHANCELLOR, KERALA UNIVERSITY OF DIGITAL
SCIENCES INNOVATION AND TECHNOLOGY,
KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM, PIN - 695099

- 3 KERALA UNIVERSITY OF DIGITAL SCIENCES INNOVATION
AND TECHNOLOGY, REPRESENTED BY ITS REGISTRAR,
TECHNOPARK PHASE IV, PALLIPURAM
THIRUVANANTHAPURAM, KERALA, PIN - 695317

BY ADVS.
GOVERNMENT PLEADER
SHRI.S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES
OF KERALA
SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SHRI.V.MANU, SPL.G.P. TO A.G.
SHRI.P.SREEKUMAR (SR.)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
16.06.2025, ALONG WITH WA.NOS.1160 OF 2025, 1165 OF 2025 AND
1181 of 2025, THE COURT ON 14.07.2025 DELIVERED THE
FOLLOWING:



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W.A.Nos.1165, 1160, 1181
and 1180 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 14TH DAY OF JULY 2025 / 23RD ASHADHA, 1947

WA NO.1181 OF 2025

AGAINST THE JUDGMENT DATED 19.05.2025 IN WP(C) NO.42527 OF
2024 OF HIGH COURT OF KERALA

APPELLANT/3RD RESPONDENT:

DR. K. SIVAPRASAD, PROFESSOR,
DEPARTMENT OF SHIP TECHNOLOGY, COCHIN UNIVERSITY
OF SCIENCE AND TECHNOLOGY,
THRIKKAKARA, KOCHI, PIN - 682022

BY ADVS.

SMT.NISHA GEORGE
SRI.GEORGE POONTHOTTAM (SR.)
SMT.KAVYA VARMA M. M.
SMT.SILPA SREEKUMAR

RESPONDENTS/PETITIONER AND RESPONDENTS 1 AND 2 IN WPC:

- 1 STATE OF KERALA, REPRESENTED BY THE JOINT
SECRETARY TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE CHANCELLOR, APJ ABDUL KALAM TECHNOLOGICAL
UNIVERSITY, KERALA RAJ BHAVAN,
THIRUVANANTHAPURAM, PIN - 695099



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

BY ADVS.
GOVERNMENT PLEADER
SHRI.S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES
OF KERALA
SHRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERAL
SHRI.V.MANU, SPL.G.P. TO A.G.
SHRI.P.SREEKUMAR (SR.)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
16.06.2025, ALONG WITH WA.NOS.1160 OF 2025, 1180 OF 2025 AND
1165 of 2025, THE COURT ON 14.07.2025 DELIVERED THE
FOLLOWING:



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"C.R"

JUDGMENT

Anil K. Narendran, J.

These writ appeals filed under Section 5(i) of the Kerala High Court Act, 1958, arise out of the judgment dated 19.05.2025 of the learned Single Judge in W.P.(C)No.42527 of 2024 and that dated 19.05.2025 in W.P.(C)No.42637 of 2024. The appellant in W.A.No.1160 of 2025 is the 1st respondent in W.P.(C)No.42527 of 2024 and the appellant in W.A.No.1181 of 2025 is the 3rd respondent in that writ petition. The appellant in W.A.No.1165 of 2025 is the 1st respondent in W.P.(C)No.42637 of 2024 and the appellant in W.A.No.1180 of 2025 is the 3rd respondent in that writ petition.

2. W.P.(C)No.42527 of 2024 was filed by the State of Kerala, the 1st respondent in W.A.Nos.1160 of 2025 and 1181 of 2025, invoking the writ jurisdiction of this Court under Article 226 of the Constitution of India seeking a writ of certiorari to quash Ext.P9 notification dated 27.11.2024 issued by the 1st respondent in that writ petition (the appellant in W.A.No.1160 of 2025), namely, the Chancellor, APJ Abdul Kalam Technological University, in exercise of the powers conferred by the provisions of APJ Abdul



Kalam Technological University Act, 2015, read with University Grants Commission 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. By Ext.P9 notification it was ordered that, pending the appointment of a person as Vice-Chancellor of APJ Abdul Kalam Technological University, on regular basis, the 3rd respondent in W.P.(C)No.42527 of 2024 (the appellant in W.A.No.1180 of 2025), who was working as Professor, Department of Ship Technology, Cochin University of Science and Technology, shall exercise the powers and perform the duties of the Vice-Chancellor, APJ Abdul Kalam Technological University, with immediate effect, until further orders. In W.P.(C)No.42527 of 2024, the petitioner has also sought for a declaration that Ext.P9 notification dated 27.11.2024 issued by the 1st respondent Chancellor ordering the 3rd respondent to exercise the powers and functions of the Vice-Chancellor of the 2nd respondent University is arbitrary, illegal and contrary to the statutory mandate of Section 13(7) of the APJ Abdul Kalam Technological University Act, 2015; and a writ of mandamus commanding the 1st respondent



Chancellor to make appointment to exercise the powers and discharge the functions of APJ Abdul Kalam Technological University, till a regular Vice-Chancellor takes charge, from the panel forwarded by the State Government as per Ext.P4 letter dated 09.10.2024 to the Additional Chief Secretary to the Governor of Kerala, in accordance with Section 13(7) of APJ Abdul Kalam Technological University Act, 2015.

2.1. In W.P.(C)No.42527 of 2024, a counter affidavit dated 17.02.2025 has been placed on record on behalf of the 1st respondent Chancellor, APJ Abdul Kalam Technological University (the appellant in W.A.No.1160 of 2025), opposing the reliefs sought for, producing therewith Exts.R1A to R1E documents. On behalf of the writ petitioner, a written submission dated 01.04.2025 was placed on record by the learned Special Government Pleader. On behalf of the 1st respondent Chancellor, an argument note dated 08.04.2025 was placed on record by the learned Standing Counsel for APJ Abdul Kalam Technological University.

2.2. After considering the pleadings and materials on record and also the submissions made at the Bar, the learned Single



Judge, by the judgment dated 19.05.2025, disposed of W.P.(C)No.42527 of 2024, with the directions contained in the last paragraph of that judgment, which reads thus;

“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 [(2022) 5 SCC 179], 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."



2.3. The judgment dated 19.05.2025 of the learned Single Judge in W.P.(C)No.42527 of 2024 is under challenge in W.A.Nos.1160 of 2025 and 1181 of 2025. Along with I.A.No.1 of 2025 in W.A.No.1160 of 2025 filed by the 1st respondent State, a copy of I.A.No.1 of 2024 filed by the Chancellor, APJ Abdul Kalam Technological University, seeking clarification of Ext.P3 judgment of the Division Bench dated 16.02.2023 in W.A.No.1847 of 2022, is placed on record.

3. W.P.(C)No.42637 of 2024 was filed by the State of Kerala, the 1st respondent in W.A.Nos.1165 of 2025 and 1180 of 2025, seeking a writ of certiorari to quash Ext.P4 notification dated 27.11.2024 issued by the 1st respondent in that writ petition (the appellant in W.A.No.1165 of 2025), namely, the Chancellor, Kerala University of Digital Sciences, Innovation and Technology, in exercise of the powers conferred by the provisions of Kerala University of Digital Sciences, Innovation and Technology Act, 2021, read with University Grants Commission 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 (for



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brevity 'the UGC Regulations, 2018'). By Ext.P4 notification it was ordered that, pending the appointment of a person as Vice-Chancellor of Kerala University of Digital Sciences, Innovation and Technology, on regular basis, the 3rd respondent in W.P.(C)No. 42637 of 2024 (the appellant in W.A.No.1181 of 2025), Senior Joint Director (Rtd.), Directorate of Technical Education, Thiruvananthapuram, and former Vice-Chancellor (In-Charge), APJ Abdul Kalam Technological University, shall exercise the powers and perform the duties of the Vice-Chancellor, Kerala University of Digital Sciences, Innovation and Technology, with immediate effect, until further orders. In W.P.(C)No.42637 of 2024, the petitioner has also sought for a declaration that Ext.P4 notification dated 27.11.2024 issued by the 1st respondent Chancellor ordering the 3rd respondent to exercise the powers and functions of the Vice-Chancellor of the 2nd respondent University is arbitrary, illegal and contrary to the statutory mandate of Section 11(10) of the Kerala University of Digital Sciences, Innovation and Technology Act, 2021; and a writ of mandamus commanding the 1st respondent Chancellor to make appointment to exercise the powers and discharge the functions of the Vice-



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Chancellor of the 2nd respondent University, till a regular Vice-Chancellor takes charge, from the panel forwarded by the State Government as per Ext.P3 letter dated 25.10.2024 to the Additional Chief Secretary to the Governor of Kerala, in accordance with Section 11(10) of Kerala University of Digital Sciences, Innovation and Technology Act, 2021.

3.1. In W.P.(C)No.42637 of 2024, a counter affidavit dated 17.02.2025 has been placed on record on behalf of the 1st respondent Chancellor, Kerala University of Digital Sciences, Innovation and Technology (the appellant in W.A.No.1165 of 2025), opposing the reliefs sought for. On behalf of the writ petitioner, the learned Special Government Pleader has filed a memo dated 02.04.2025 to adopt the written submissions dated 01.04.2025 filed in W.P.(C)No.42527 of 2024 as that of the writ petitioner in W.P.(C)No.42637 of 2024.

3.2. After considering and pleadings and materials on record and also the submissions made at the Bar, the learned Single Judge, by the judgment dated 19.05.2025, disposed of W.P.(C)No.42637 of 2024, based on the findings rendered in the judgment dated 19.05.2025 in W.P.(C)No.42527 of 2024, with the



directions contained in the last paragraph of that judgment, which reads thus;

“Therefore, this writ petition will stand disposed on the basis of the findings rendered in the judgment in W.P.(C) No.42527 of 2024 and directing that, if the post of Vice-Chancellor of the University is being filled up on temporary basis or on a regular basis, the same shall be done in accordance with the provisions of Section 11 of the 2021 Act read along with the provisions of the UGC Regulations. In case of any conflict, the UGC Regulations will prevail over the provisions of the Statute. Taking into consideration the importance of the post of Vice-Chancellor of the University; as observed by the Supreme Court in Gambhirdan K. Gadhvi v. State of Gujarat [(2022) 5 SCC 179] which was quoted with approval by the Supreme Court in Dr. Sreejith [(2023) 17 SCC 338], I also direct that the steps shall be taken to fill up the post of Vice-Chancellor of the University on a regular basis without undue delay, unless the proceedings have been interdicted by any order of this Court or the Supreme Court. Thus, the writ petition will stand disposed of as follows:-

- (i) It is declared that Ext.P4 notification is not sustainable in law for the reason that it is not issued in accordance with the procedure contemplated by Section 11(10) of the 2021 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 11 of the 2021 Act on regular basis keeping in mind the provisions of the UGC Regulations on Minimum Qualification for appointment of Teachers in Universities and Colleges, 2018;
- (iv) It is clarified that the UGC Regulations 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 2021 Act. In other words, it is clarified that the provisions of Section 11 of the 2021 Act shall apply only to the extent that it is in conformity with the UGC Regulations 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."



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3.3. The judgment dated 19.05.2025 of the learned Single Judge in W.P.(C)No.42637 of 2024 is under challenge in W.A.Nos.1165 of 2025 and 1180 of 2025.

4. On 27.05.2025, when W.A.Nos.1160 of 2025, 1165 of 2025, 1180 of 2025 and 1181 of 2025 came up for admission, we heard arguments of the learned Senior Counsel for the appellant in W.A.Nos.1160 of 2025 and 1165 of 2025 and also the learned Senior Counsel for the appellant in W.A.Nos.1180 of 2025 and 1181 of 2025. We also heard arguments of the learned Advocate General in part. While posting writ appeals on 29.05.2025 at 02.00 p.m. for further arguments, it was ordered that the status quo as on 27.05.2025 in respect of Vice-Chancellors of APJ Abdul Kalam Technological University and Kerala University of Digital Sciences, Innovation and Technology, shall be maintained till 30.05.2025. In the said order, it was made clear that the Vice-Chancellors concerned shall not take any policy decision based on any recommendations made by the General Council/Executive Council/Board of Governors of the respective University. Thereafter, further arguments were heard on 30.05.2025 and 03.06.2025, and the order of status quo granted on 27.05.2025



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was also extended. On 04.06.2025, Registry was directed to list the writ appeals on 16.06.2025 at 02.00 p.m., by constituting a Special Bench, after obtaining orders from the Hon'ble the Chief Justice, since one among us [P.V. Balakrishnan, J.], is sitting in another Division Bench. By that order, the order of status quo was extended by two weeks. After obtaining the orders of the Hon'ble the Chief Justice, the writ appeals were listed for further arguments on 16.06.2025. Further arguments of the learned Advocate General and also the arguments in reply by the learned Senior Counsel for the appellant in W.A.Nos.1165 of 2025 and 1160 of 2025 and also the learned Senior Counsel for the appellant in W.A.Nos.1180 of 2025 and 1181 of 2025 were heard on 16.06.2025. While reserving the writ appeals for judgment, the order of status quo granted on 27.05.2025 was extended by three weeks. Thereafter, the writ appeals were listed again on 01.07.2025 based on the submission made by the learned Senior Counsel for the appellants in W.A.Nos.1165 and 1160 of 2025, to point out the judgment dated 26.06.2025 of a Division Bench of this Court in W.P.(C)No.43059 of 2024. We heard further arguments, and the writ appeals were ordered to be listed on



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08.07.2025 at 1.30 p.m. for judgment. The order of status quo was extended till then. On 08.07.2025, the order of status quo was extended till this date, and the writ appeals were directed to be listed at 4.30 p.m. for judgment.

5. The learned Senior Counsel for the appellant in W.A.Nos.1160 of 2025 and 1165 of 2025 and also the learned Senior Counsel for the appellants in W.A.Nos.1180 of 2025 and 1181 of 2025 would contend that in the impugned judgment the learned Single Judge has not taken into account the impact of the judgment of the Apex Court in **Dr.Premachandran Keezhoth v. Chancellor Kannur University [2023 SCC OnLine SC 1592]** on the judgment of the Division Bench of this Court in **State of Kerala v. Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the purpose of Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act has not been considered by the learned Single Judge in a proper perspective. The importance of the post of Vice-Chancellor of the University has been elaborately considered by the Apex Court in **Gambhirdan K. Gadhvi v. State of Gujarat [(2022) 5 SCC 179]** and **Sreejith P.S. v. Rajasree**



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M.S. [(2023) 17 SCC 338]. In **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]** the Apex Court considered elaborately the role of the Chancellor in the matter of appointment of Vice-Chancellor of a University. The law laid down in the above decisions was not properly appreciated by the learned Single Judge. The provisions contained in Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act are in conflict with the provisions contained in Clause 7.3. of the UGC Regulations, 2018. The said aspect was not considered in a proper perspective by the Division Bench in **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**. The contentions raised by the appellants on the above aspect were also not considered by the learned Single Judge in a proper perspective, while rendering the impugned judgment. 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 were issued by the Chancellor, in order to avoid any vacuum in the office of the Vice-Chancellor of the Technological University and the Digital University, since such a vacuum in the office of the Vice-Chancellor



would not be in the best interest of the said Universities. The regular appointment of Vice-Chancellors of the Universities in the State, including Technological University and Digital University, is the subject matter in W.P.(C)No.42548 of 2023 and connected matters pending before the Division Bench of this Court. The learned Senior Counsel for the appellants in W.A.Nos.1180 of 2025 and 1181 of 2025 would point out the pendency of a writ petition pending before this Court in which the statutory provisions relating to temporary appointment of Vice-Chancellors is also under challenge in a writ petition pending before this Court, on the ground that it is in violation of the provisions under the UGC Regulations.

6. On the other hand, the learned Advocate General would contend that the provisions contained in Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act are not violative of the provisions contained in the UGC Regulations, 2010 or the UGC Regulations, 2018. The UGC Regulations are silent regarding the appointment of temporary Vice-Chancellors, on a stop-gap arrangement, in the circumstances enumerated in Section 13(7) of the Technological



University Act and Section 11(10) of the Digital University Act. Therefore, the principle of repugnancy as enunciated in Article 254 of the Constitution of India is not attracted. The learned Single Judge, after considering the relevant statutory provisions and the law on the point arrived at a conclusion that 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 Technological University or Digital University, until further orders, pending regular appointment of the Vice-Chancellor. The said finding of the learned Single Judge cannot be said to be either perverse or patently illegal, warranting an interference in these writ appeals. The learned Advocate General would also point out the order dated 26.11.2024 of the Division Bench in I.A.No.1 of 2024 in W.A.No.1847 of 2022, which is placed on record as Ext.P8 in W.P.(C)No.42527 of 2024, whereby an application for clarification filed by the Chancellor in the light of the judgment of



the Apex Court in **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]** was closed with the observations contained therein.

7. APJ Abdul Kalam Technological University Act, 2015 (for brevity, 'the Technological University Act') was enacted by the State Legislature to establish and incorporate a university for the promotion of technical education in the State of Kerala and for matters connected therewith or incidental thereto. Section 13 of the Act, which deals with the Vice-Chancellor, reads thus;

"13. The Vice-Chancellor.- (1) The Vice-Chancellor shall be the principal executive and academic officer of the University. He shall be the ex officio Chairman of the Syndicate and of the Academic Council.

(2) The first Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Government and thereafter the Vice-Chancellor shall be appointed by the Chancellor from among a panel of names recommended by a Search Committee consisting of the following members, namely:-

(i) one member elected by the Board of Governors;
(ii) one member nominated by the AICTE;
(iii) the Chief Secretary of the State, who shall be the Convenor of the Committee.

(3) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the



vacancy of the Vice-Chancellor and shall be completed within the time-limit fixed by the Chancellor. The Chancellor, however, may extend such time-limit, if, in the exigency of the circumstances, it is necessary to do so. However, the process of preparation of the panel shall be completed within a period of three months, including the period so extended.

(4) The Committee shall recommend unanimously a panel of not less than three suitable persons from amongst the eminent persons in the field of engineering sciences. The names shall be in English alphabetical order. The report shall be accompanied by a detailed write-up on the suitability of each person included in the panel. In case the Committee fails to make a unanimous recommendation as provided, each member of the Committee may submit the name of one person each to the Chancellor. The non-submission of the name by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(5) No person who is more than sixty one years of age shall be appointed as Vice-Chancellor and after the appointment, he shall, subject to the terms and conditions of his appointment, hold office for a period of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.

(6) The persons appointed as Vice-Chancellor will be eligible for re-appointment provided he has not attained the maximum age mentioned in sub-section (5).

(7) 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.

(8) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(9) The remuneration payable to, and other conditions of service of, the Vice-Chancellor shall be such as may be prescribed by Statutes.

(10) Such sumptuary allowance as the Government may approve from time to time or as prescribed by Statutes, shall be placed at the disposal of the Vice-Chancellor.



(11) The Vice-Chancellor may, by writing under his hand addressed to the Chancellor, after giving one month's notice, resign from his office and shall cease to hold that office on the acceptance of the resignation by the Chancellor or on the date of expiry of the said notice period, whichever is earlier.

(12) The Vice-Chancellor may be removed from the office if the Chancellor is satisfied that he,-

(i) has become insane and stands so declared by a competent authority;

(ii) has been convicted by a Court for any offence involving moral turpitude;

(iii) has become an undischarged insolvent and stands so declared by a competent authority;

(iv) has become physically unfit and incapable of discharging functions due to protracted illness or physical disability;

(v) where the Government is satisfied that there is misuse of power as against this Act, Rules, Statutes and Regulations or causing administrative stalemate due to the activities violating the prescribed jurisdiction, the Government shall have the power to recommend to the Chancellor to remove the Vice-Chancellor from the positions:

Provided that before taking steps for removal of the incumbent Vice-Chancellor under Clause (iv), a reasonable opportunity to show-cause shall be given to him."

8. As per Section 13(2) of the Technological University Act, the first Vice-Chancellor shall be appointed by the Chancellor



on the recommendation of the Government and thereafter the Vice-Chancellor shall be appointed by the Chancellor from among a panel of names recommended by a Search Committee consisting of the members enumerated in clauses (i) to (iii). As per Section 13(7), where the vacancy of Vice-Chancellor arises in any of the circumstances enumerated in clauses (i) to (v), the Chancellor may appoint the Vice-Chancellor of any other University or the Pro-Vice Chancellor of the Technological 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.

9. Kerala University of Digital Sciences, Innovation and Technology, 2021 (for brevity, 'the Digital University Act') was enacted by the State Legislature to establish and incorporate a non-affiliating research and teaching University in the State of Kerala to facilitate and promote studies, research, incubation and knowledge extension work in Digital Technologies and its application domains and also to achieve excellence in the said fields and allied areas. Section 11 of the Act, which deals with the Vice-Chancellor, reads thus;



"11. The Vice-Chancellor.- (1) The Vice-Chancellor shall be a scholar of eminence in the area of Technology or Science or Engineering or Management and having administrative experience in an institution of higher learning. He shall be a person having a minimum of ten years of experience as Professor in a University or experience of equivalent position in a reputed research or academic or administrative organisation.

(2) The Vice-Chancellor shall be the principal academic and the chief executive officer of the University and shall exercise supervision and control over the affairs of the University by or under this Act.

(3) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Search-cum-Selection Committee appointed by him, consisting of the following members, namely:- (a) Chief Secretary to State, he shall be the Convener of the committee;

(b) one expert member from Electronics and Information Technology Industry;

(c) one expert member from Academia selected by the Board of Governors;

(d) one nominee of the University Grants Commission; and

(e) one nominee of the State Government.

(4) The process of preparing the panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time-limit fixed by the Chancellor. The Chancellor, may however extend such time limit, if, in the exigency of the circumstances, it is necessary to do so. However, the



process of preparation of the panel shall be completed within a period of three months, including the period so extended. In case the search-cum-selection committee fails to make a unanimous recommendation as provided, each member of the committee may submit the name of one person each to the Chancellor. The non-submission of the name by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(5) Notwithstanding anything contained in this Act or the regulations, the first Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Government on such terms and conditions as may be specified.

(6) No person who is more than sixty one years of age shall be appointed as Vice-Chancellor and after the appointment, he shall, subject to the terms and conditions of his appointment, hold office for a period of four years from the date on which he enters upon his office or till he attains the age of sixty five years, whichever is earlier.

(7) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report the authority concerned, the action taken by him on such matter, for ratification:

Provided that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, shall have the right to appeal against such action to the Chancellor within ninety days from the date on which such action is communicated to him and



thereupon the Chancellor may confirm or reverse or modify the action taken by the Vice-Chancellor.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Regulations.

(9) The Chancellor shall have the power to remove the Vice-Chancellor, from his office, on the satisfaction of the Chancellor, by an order in writing on charges of misappropriation of fund of the University and misconduct: Provided that, such charges are proved by an enquiry conducted by a person who is or has been a judge of the High Court appointed by the Chancellor for the purpose: Provided further that the Vice-Chancellor, shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(10) In the event that a temporary vacancy occurs in the post of Vice- Chancellor due to any unforeseen or casual reason or if the Vice-Chancellor has to be temporarily abstained himself from the said position, the Chancellor may appoint the Vice-Chancellor of any other University or the Secretary of Electronics and Information Technology Department, as recommended by the Government, to be the Vice-Chancellor, for a period of not exceeding six months, in the aggregate.

(11) 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 he thinks necessary, and shall, as soon as may be, submit them before the Board of Governors or other authority or the body concerned for approval.

10. As per the provisions of Section 11(3) of the Digital University Act, the Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Search-cum-Selection Committee appointed by him, consisting of the members enumerated in clauses (a) to (e). As per Section 11(5), notwithstanding anything contained in the said Act or the regulations, the first Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Government on such terms and conditions as may be specified. As per Section 11(10), in the event that a temporary vacancy occurs in the post of Vice-Chancellor due to any unforeseen or casual reason or if the Vice-Chancellor has to be temporarily abstained himself from the said position, the Chancellor may appoint the Vice-Chancellor of any other University or the Secretary of Electronics and Information Technology Department, as recommended by the Government, to be the Vice-Chancellor, for a period of not exceeding six months, in the aggregate.



11. In exercise of the powers conferred under Section 26(1)(e) and (g), read with Section 14 of the University Grants Commission Act, 1956 and in supersession of the University Grants Commission 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 2010 together with all amendments made therein from time to time, the University Grants Commission, vide notification dated 18.07.2028, made the University Grants Commission 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 (for brevity 'the UGC Regulations, 2018'). The UGC Regulations, 2018, came into force with effect from 18.07.2018, as provided under Clause 1.3. As per Clause 1.1, the Regulations shall apply to every University established or incorporated by or under a Central Act, Provincial Act or a State Act, every institution including a constituent or an affiliated college recognised by the Commission, in consultation with the University concerned under Section 2(i) of the University



Grants Commission Act, 1956 and every Institution deemed to be a University under Section 3 of the said Act.

12. As per Clause 2 of the UGC Regulations, 2018, the minimum qualifications for appointment and other service conditions of University and College teachers, Librarians, and Directors of Physical Education and Sports as a measure for the maintenance of standards in higher education, shall be as provided in the Annexure to the Regulations. As per Clause 3, if any University contravenes the provisions of these Regulations, the Commission, after taking into consideration the cause, if any, shown by the University for such failure or contravention, may withhold from the University, the grants proposed to be made out of the Fund of the Commission.

13. Clause 7.0 of the UGC Regulations, 2018 deals with the selection of Pro-Vice Chancellor/Vice-Chancellor of Universities. Clause 7.3, which deals with Vice-Chancellor, reads thus;

"7.3. Vice-Chancellor:

(i) A person possessing the highest level of competence, integrity, morals and institutional commitment is to be appointed as Vice-Chancellor. The person to be appointed as a Vice-Chancellor should be a distinguished academician,



with a minimum of ten years' of experience as Professor in a University or ten years' of experience in a reputed research and/or academic administrative organisation with proof of having demonstrated academic leadership.

(ii) The selection for the post of Vice-Chancellor should be through proper identification by a Panel of 3-5 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. The members of such Search-cum-Selection Committee shall be persons' of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges.

While preparing the panel, the Search-cum-Selection Committee shall give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad, and adequate experience in academic and administrative governance, to be given in writing along with the panel to be submitted to the Visitor/Chancellor. One member of the Search cum Selection Committee shall be nominated by the Chairman, University Grants Commission, for selection of Vice Chancellors of State, Private and Deemed to be Universities.

(iii) The Visitor/Chancellor shall appoint the Vice Chancellor out of the Panel of names recommended by the Search-cum-Selection Committee.

(iv) The term of office of the Vice-Chancellor shall form part of the service period of the incumbent, making him/her eligible for all service-related benefits."



14. Clause 7.3(i) of the UGC Regulations, 2018 deals with the qualifications for appointment as Vice-Chancellor of Universities. Clause 7.3(ii) deals with the process of selection by a Search-cum-Section Committee. Clause 7.3(iii) deals with the appointment of the Vice-Chancellor by the Visitor/Chancellor, out of the panel of names recommended by the Search-cum-Section Committee. Clause 7.3(iii) deals with the term of office of the Vice-Chancellor.

15. In **Gambhirdan K. Gadhvi v. State of Gujarat [(2022) 5 SCC 179]** the Apex Court was dealing with a writ petition filed under Article 32 of the Constitution of India, seeking a writ of quo warranto challenging the appointment of the 4th respondent therein as the Vice-Chancellor of the 2nd respondent Sardar Patel University and to quash the notification dated 29.08.2019 issued by the 1st respondent State of Gujarat, appointing the 4th respondent as the Vice-Chancellor of the said University. It was the case of the petitioner that ignoring Clause 7.3.0 of the University Grants Commission 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, 2010 (for brevity, 'the UGC Regulations, 2010'), a Search Committee was constituted under Section 10(2)(b) of the Sardar Patel University Act, 1955 with no nominee of the Chairman of the UGC. According to the petitioner, even as per Section 10(2)(b), the Search Committee has only the authority to recommend a panel of suitable candidates. The Search Committee exceeded its jurisdiction and prescribed its own eligibility criteria for the post of Vice-Chancellor by diluting the eligibility criteria laid down in the UGC Regulations, 2010, which, *inter alia*, prescribe in Regulation 7.3.0 that a person shall have ten years of teaching experience as a Professor in the University system. Clause 7.3.0 also provides for the constitution of a Search Committee consisting of a nominee of the Visitor/Chancellor, a nominee of the Chairman of the UGC and a nominee of the Syndicate/Executive Council of the University. The Search Committee has to recommend the names of suitable candidates for appointment as Vice-Chancellor of the University. According to the petitioner, the 4th respondent does not have teaching experience as a Professor for a period of ten years, which is mandatory as per the UGC Regulations, 2010.



15.1. The earlier appointment of the 4th respondent as Vice-Chancellor of Sardar Patel University by a Search Committee constituted on 29.07.2016 with no nominee of the Chairman of the UGC was under challenge in SCA No.18922 of 2017 before the High Court of Gujarat. In the said Special Civil Application it was contended, inter alia, that, the 4th respondent was not having teaching experience as a Professor for a period of ten years, which is mandatory as per the UGC Regulations, 2010. The Division Bench of the High Court dismissed the SCA upholding the appointment of the 4th respondent. The Division Bench referred to Section 10 of the Sardar Patel University Act, which does not provide for any qualification for appointment to the post of Vice-Chancellor. The Division Bench observed that such a position would lead to a lot of arbitrariness in the matter of selection of persons for the appointment as Vice-Chancellor. Though the UGC Regulations, 2010 provide for certain qualifications, the same are not binding unless the State legislation is appropriately amended. Challenging the judgment of the Division Bench upholding the appointment of the 4th respondent to the post of Vice-Chancellor of Sardar Patel University, the petitioner filed SLP(C)No.21792 of



2018, which came up for consideration before the Apex Court for final hearing on 30.07.2019. By the time the said SLP could be heard, only one month remained in the first term of the 4th respondent, therefore, the Apex Court did not interfere with the appointment of the 4th respondent and the SLP was disposed of by the order dated 30.07.2019, after specifically observing that all questions of law are left open. In such circumstances, the petitioner challenged the second appointment of the 4th respondent as Vice-Chancellor of Sardar Patel University, by seeking a writ of quo warranto in W.P.(C)No.1525 of 2019 filed before the Apex Court under Article 32 of the Constitution of India, and to set aside the notification dated 29.08.2019 issued by the 1st respondent State of Gujarat appointing the 4th respondent as Vice-Chancellor.

15.2. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, before the Apex Court, the learned counsel for the petitioner contended that the appointment of the 4th respondent as Vice-Chancellor of Sardar Patel University is absolutely illegal and contrary to the statutory guidelines issued by the UGC. The appointment of the 4th respondent is by a Search Committee not



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legally constituted as per the guidelines issued by the UGC. At the relevant time when the 4th respondent was appointed as Vice-Chancellor, he was not having ten years teaching experience as Professor, which was a mandatory requirement as per the guidelines issued by the UGC as well as the eligibility criteria fixed by the Search Committee. A nominee of the Chairman of the UGC was not a member of the Search Committee. The learned counsel for UGC supported the case of the petitioner by submitting that one of the members of the Search Committee shall be a nominee of the Chairman of the UGC and that the UGC Regulations, 2010 and also the subsequent regulations, i.e., the UGC Regulations, 2018 are binding on all States and Universities. On the other hand, the learned Senior Counsel for the 2nd respondent Sardar Patel University opposed the reliefs sought for in the writ petition by contenting that the UGC Regulations, 2010 and the subsequent UGC Regulations, 2018 have not been adopted by the State Government and therefore, the UGC Regulations are not binding on the State of Gujarat and also Sardar Patel University. The appointment of the 4th respondent is governed by the provisions of Sardar Patel University Act, 1955 and the Search Committee



was constituted by the State Government under the provisions of the said Act. Section 10 of the said Act does not provide for any specific eligibility criteria/minimum eligibility criteria for the post of Vice-Chancellor. Therefore, the Search Committee itself prescribed the eligibility criteria. Based on the recommendation made by the Search Committee, the 4th respondent has been appointed as Vice-Chancellor of the University. The learned counsel for the 4th respondent adopted the submissions made by the learned counsel for the University. It was pointed out that the appointment of the 4th respondent as Vice-Chancellor for the second term was governed by the provisions contained in the UGC Regulations, 2018. The learned counsel for the 1st respondent State of Gujarat has also opposed the reliefs sought for in the writ petition. When a pointed question was asked, the learned counsel could not point out any amendment made in the State legislation providing for the minimum eligibility criteria for the post of Vice-Chancellor, on par with the UGC Regulations, as observed by the High Court in the judgment dated 05.07.2018 in SCA No.18922 of 2017, the earlier round of litigation.



15.3. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, after considering the law laid down in **Rajesh Awasthi v. Nand Lal Jaiswal [(2013) 1 SCC 501]** and **Armed Forces Medical Association v. Union of India [(2006) 11 SCC 731 (1)]** regarding the jurisdiction of the Court while issuing a writ of quo warranto, the Apex Court found that the factual and legal controversy in the writ petition requires consideration, since there cannot be any dispute that the 4th respondent as the Vice-Chancellor of a University is holding a post of public office. The next question considered by the Apex Court was whether the appointment of the 4th respondent as the Vice-Chancellor of Sardar Patel University can be said to be contrary to any statutory provisions and whether it can be said that the 4th respondent fulfills the eligibility criteria for the post of Vice-Chancellor. The Apex Court considered the question in the light of the relevant provisions under the UGC Regulations, 2010, made in the exercise of the powers conferred under clauses (e) and (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 and the Sardar Patel University Act, 1955.



15.4. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, after referring to the provisions contained in Clause 7.3.0 of the UGC Regulations, 2010, which deals with the post of Vice-Chancellor, the Apex Court noticed that Clause 7.4.0 mandates that the Universities/State Governments shall modify or amend the relevant Acts/Statutes of the Universities concerned within six months of adoption of the UGC Regulations, 2010. UGC Regulations, 2010, inter alia, prescribe in Clause 7.3.0 that a person shall have ten years of teaching experience as a Professor in a University system. It also provides for the constitution of a Search Committee consisting of a nominee of the Visitor/Chancellor, a nominee of the Chairman of the UGC, a nominee of the Syndicate/Executive Council of the University and the Search Committee has to recommend the name of the successful candidate. Prior to the enactment of UGC Regulations, 2010, the Ministry of Human Resource Development, Government of India, laid down a Scheme of Revision of Pay of Teachers and Equivalent Cadres in the University following the 6th Central Pay Commission, which provides that the payment of Central assistance for implementing the Scheme is subject to the condition



that the entire Scheme of revision of pay scales together with all the conditions to be laid down by the UGC by way of regulations and other guidelines shall be implemented by the State Governments and Universities thereunder without any modification. After considering the rival contentions, the Apex Court found that the 1st respondent State of Gujarat and the Universities under the State, including the 2nd respondent Sardar Patel University, are bound to follow UGC Regulations, 2010 and UGC Regulations, 2018. Paragraphs 25 to 29 of the said decision of the Apex Court read thus;

"25. Regulation 7.4.0 mandates that the universities/State Governments shall modify or amend the relevant Acts/Statutes of the universities concerned within six months of adoption of these Regulations.

26. Thus, UGC Regulations, 2010, inter alia, prescribe in Regulation 7.3.0 that a person shall have ten years of teaching work experience as a Professor in a university system. It also provides for constitution of a Search Committee consisting of a nominee of the Visitor/Chancellor, a nominee of the Chairman of the UGC, a nominee of the Syndicate/Executive Council of the University and the Search Committee has to recommend the names of the successful candidates.



27. Prior to enactment of the UGC Regulations, 2010, the Union Ministry of Human Resource Development laid down a scheme of revision of pay of teachers and equivalent cadres in the universities following the 6th Central Pay Commission. The Scheme provides a fixed pay of Rs.75,000/- along with a special allowance of Rs 5000 per month to the Vice-Chancellor. Para 8(p)(v) of the said Scheme provides that it is extended to universities, colleges and other higher educational institutions coming under the purview of the State Legislature provided the State Governments wish to adopt and implement the Scheme with certain conditions, inter alia, financial assistance from the Central Government to the extent of 80% of the maintenance expenditure and remaining 20% shall be met by the State Government. It further provides that payment of Central assistance for implementing the Scheme is subject to the condition that the entire Scheme of revision of pay scales together with all the conditions to be laid down by the UGC by way of regulations and other guidelines shall be implemented by the State Governments and the universities thereunder without any modification.

28. In the present case, the State of Gujarat has adopted the said Scheme dated 31.12.2008 by a Resolution dated 11.11.2009 with effect from 01.01.2006 subject to the conditions mentioned in the said resolution. Even in the said resolution, condition No.13 provides that the State Government will publish the educational qualifications as per the UGC instructions published from time to time and



quality yardstick, teaching work days, norms, instructions, resolutions will have to be implemented.

29. It is not in dispute that the SP University is receiving Central financial assistance under the Scheme and it is included in the State Universities receiving Central financial assistance as per Section 12(b) of the UGC Act, 1956. Therefore, having adopted the UGC Scheme and implemented the same and getting Central financial assistance to the extent of 80% of the maintenance expenditure, the State Government and the SP University are bound by the UGC Regulations, 2010. The UGC Regulations, 2010 are superseded by the UGC Regulations, 2018. However, the eligibility criteria for the post of Vice-Chancellor and the constitution of the Search Committee for appointment of a Vice-Chancellor remains the same. Therefore, the State of Gujarat and the universities thereunder including the SP University are bound to follow UGC Regulations, 2010 and UGC Regulations, 2018."

15.5. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, after referring to the provisions under Section 10 of the Sardar Patel University Act, 1955, which deals with the post of Vice-Chancellor, the Apex Court noticed that as per Section 10 the Search Committee shall consist of two members (not being persons connected with the University or with any affiliated college or recognised institution) out of whom, one shall be a person



nominated in the manner prescribed by the Statutes by the Syndicate and the Academic Council jointly and the other shall be a person nominated in the manner prescribed by the Statutes, by the Vice-Chancellor of the Universities established by law in the State of Gujarat and the third member shall be a person nominated by the Chancellor. Therefore, Section 10 of the Sardar Patel University Act does not provide any qualification whatsoever for appointment to the post of Vice-Chancellor. Even the eligibility criteria to be prescribed is left to the Search Committee. There are no guidelines whatsoever on the eligibility criteria to be prescribed by the Search Committee. On the other hand, the UGC Regulations, 2010 and the UGC Regulations, 2018 specifically prescribe the qualification/eligibility criteria for the post of Vice-Chancellor and it also provides for the constitution of the Search Committee. After considering the rival contentions, the Apex Court concluded that the provisions of the Sardar Patel University Act/the provisions under the State legislation are just contrary to the UGC Regulations, 2010/the UGC Regulations, 2018, which are binding on the State and the Universities thereunder. The Apex Court noticed that, even the State Government has not bothered



to amend the State legislation to put it on par with the UGC Regulations, 2010/the UGC Regulations, 2018 and continued the appointment in the Universities de horse the UGC Regulations.

Paragraphs 31 to 34 of the decision of the Apex Court read thus;

"31. As per Section 10 of the 1955 Act the Search Committee shall consist of two members (not being persons connected with the respondent University or with any affiliated college or recognised institution) out of whom, one shall be a person nominated in the manner prescribed by the Statutes by the Syndicate and the Academic Council jointly and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellor of all the Universities established by law in the State of Gujarat and the third member to be nominated by the Chancellor.

32. Section 10 of the SPU Act does not provide any qualification whatsoever for appointment to the post of Vice-Chancellor. Even the eligibility criteria to be prescribed is left to the Search Committee. There are no guidelines whatsoever on the eligibility criteria to be prescribed by the Search Committee. On the other hand, the UGC Regulations 2010/2018 specifically prescribes the qualification/eligibility criteria for the post of Vice-Chancellor. It also provides for the constitution of the Search Committee.

33. As observed hereinabove as per Regulation 7.3.0 a person shall have ten years of teaching work experience as a Professor in the university system and it also provides for



constitution of a Search Committee consisting of a nominee of the Visitor/Chancellor, a nominee of the Chairman of the UGC, a nominee of the Syndicate/Executive Council of the University. But Respondent 4 did not/does not fulfil the eligibility criteria prescribed under the UGC Regulations 2010/2018. He was/is not having ten years of teaching work experience as a Professor in the university system. Moreover, his name was not recommended by the legally constituted Search Committee, constituted as per the UGC Regulations 2010/2018. Also, the Search Committee has prescribed the eligibility criteria for the post of Vice-Chancellor by diluting the eligibility criteria laid down in the UGC Regulations 2010/2018.

34. Thus, the provisions of the SPU Act, 1955/provisions under the State legislation are just contrary to the UGC Regulations 2010/2018, which, as observed hereinabove, are binding on the State Government and the universities thereunder. Even the State Government has not bothered to amend the State legislation - to put it a on a par with the UGC Regulations 2010/2018 and has continued the appointment in the universities de hors the UGC Regulations."

15.6. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, after referring to the UGC communication dated 11.08.2014 and the communication dated 30.08.2014 from the office of the Secretary to the Governor of Gujarat, the Apex Court noticed that despite clear instructions from the office of the Governor of



Gujarat, who is also the Chancellor of all the Universities, the State legislation has not been amended and the appointments to the post of Vice-Chancellor in the Universities in the State are being made contrary to the UGC guidelines and Regulations. After considering the rival contentions, the Apex Court found that the appointment of the 4th respondent as Vice-Chancellor of Sardar Patel University was contrary to the UGC Regulations, 2018 and that the 4th respondent had been selected by a Search Committee not constituted as per the UGC Regulations, 2018. Further, 4th respondent does not fulfil the eligibility criteria of ten years of teaching experience as a Professor, as per the UGC Regulations of 2018. By adopting the Scheme of revision of pay of teachers and equivalent cadres in the Universities following the 6th Central Pay Commission, and having accepted 80% of the maintenance expenditure from the Central Government and when the 4th respondent was paid a fixed pay of Rs.75,000/- along with a special allowance of Rs.5,000/- per month, which is prescribed as per the said Scheme of 2008, the State and the Universities thereunder are bound by the UGC Regulations, 2010, including the



UGC Regulations, 2018. Paragraphs 41 to 44 of the said decision of the Apex Court read thus;

"41. Thus, despite the communication by the UGC dated 11.08.2014 and thereafter, the communication by the H.E. the Governor of Gujarat dated 30.08.2014 and even the observations made by the Division Bench of the High Court in SCC OnLine Guj para 35 in its judgment and order dated 05.07.2018 in Gambhirdan Kanubhai Gadhavi v. State of Gujarat [2018 SCC OnLine Guj 3125], reproduced hereinabove, it is unfortunate that even as on today, no further steps have been taken by the State Government, to amend the State legislation and to put the same on a par with the UGC Regulations, and the State and the universities thereunder have continued to make the appointments of Vice-Chancellors just contrary to the UGC Regulations, which as observed hereinabove are binding.

42. At this stage, it is required to be noted that as per Section 9 of the SPU Act, 1955, H.E. the Governor of Gujarat is the Chancellor of the University and he shall, by virtue of his office, be the head of the University and the President of the Senate. Therefore, even as the head of the University, his advice was/is binding upon the University and therefore, the State ought to have taken the necessary steps at the Government level as requested in the communication dated 30.08.2014. Even the request made by the H.E. the Governor of Gujarat, who is also the Chancellor of the University, ought not to have been taken very lightly. The State ought to have taken the corrective measures by



suitably amending the State legislation on a par with the UGC Regulations.

43. The submissions made by Shri Navare, learned Senior Advocate appearing on behalf of Respondent 2 SP University that as the earlier writ petition filed by the petitioner herein, in which the appointment of Respondent 4 herein as the Vice-Chancellor, was under challenge came to be dismissed and the High Court refused to issue a writ of quo warranto and the judgment and order passed by the High Court in Gambhirdan Kanubhai Gadhavi v. State of Gujarat [2018 SCC OnLine Guj 3125] was not disturbed by this Court and therefore, the controversy stands concluded and it is not open for the petitioner to raise the same issue again is concerned, the aforesaid submissions is noted only to be rejected. This Court did not opine anything on the merits of the judgment and order Gambhirdan Kanubhai Gadhavi v. State of Gujarat [2018 SCC OnLine Guj 3125] passed by the High Court. This Court refused to entertain the special leave petition solely on the ground that by the time the same was taken up for hearing the tenure of Respondent 4 herein as a Vice-Chancellor was coming to an end. Even while dismissing the same on the aforesaid ground alone, this Court specifically observed that all the questions of law are left open.

44. Thus, we find that the appointment of Respondent 4 is contrary to the UGC Regulations, 2018. Also, Respondent 4 has been appointed by a Search Committee, not constituted as per the UGC Regulations, 2018. Moreover, Respondent 4 does not fulfil the eligibility criteria as per the UGC



Regulations, 2018, namely, having ten years of teaching work experience as a Professor in the university system. As observed hereinabove, by adopting the Scheme and having accepted 80% of the maintenance expenditure from the Central Government and when Respondent 4 is paid a fixed pay of Rs.75,000/- along with a special allowance of Rs 5000 per month, which is prescribed as per the Scheme of 2008, the State and the universities thereunder are bound by the UGC Regulations, 2010 including the UGC Regulations, 2018."

15.7. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, the Apex Court found that the appointment of the 4th respondent as Vice-Chancellor of Sardar Patel University was contrary to the UGC Regulations, 2018, which is having the statutory force and therefore the case at hand is a fit case to issue a writ of quo warranto to quash the appointment of the 4th respondent as Vice-Chancellor of the said University. The Apex Court noticed that the UGC Regulations are enacted in exercise of the powers under clauses (e) and (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956, as per which every rule and regulation made thereunder shall be laid before each house of Parliament. Therefore, being a subordinate legislation, the UGC Regulations become part of the UGC Act. In case of any conflict



between the State legislation and the Central legislation, the Central legislation shall prevail by applying the rule/principle of repugnancy as enunciated in Article 254 of the Constitution of India as the subject 'education' is in the Concurrent List (List III) of the Seventh Schedule to the Constitution. Therefore, any appointment as a Vice-Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto. Since the appointment of the 4th respondent as Vice-Chancellor of Sardar Patel University was contrary to the provisions in the UGC Regulations, 2018, the Apex Court issued a writ of quo warranto quashing and setting aside the said appointment. Paragraphs 45 to 51 of the said decision of the Apex Court read thus;

"45. The appointment of Respondent 4 is even otherwise not as per the eligibility criteria prescribed by the Search Committee, which is as under:

- "1. Persons of the highest level of competence, integrity, morals and institutional commitment.
2. Person should be a distinguished academician with proven leadership qualities shall be satisfying anyone of the following:
10 years' experience of teaching and research as Professor; or



Vice-Chancellor/Pro Vice-Chancellor of any university including former Vice-Chancellor/Pro Vice-Chancellor; or
Director/Principal of a college/institution/Research Organisation with 15 years of teaching/research/administration."

46. In fact, in the instant case, H.E. the Governor of Gujarat who is also the Chancellor of all the universities in the said State had through his Principal Secretary directed that the communication from the Secretary, University Grants Commission, Government of India, New Delhi dated 11.08.2014 be complied with and appropriate steps be taken in that regard.

47. We have referred to the aforesaid letter dated 30.08.2014. The letter of the Secretary of the UGC dated 11.08.2014 to H.E. the Governor of Gujarat informing about the Regulations titled "Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2010" has also been extracted above in the said letter. It has been clearly stated that the UGC has prescribed minimum qualifications for the appointment of a Vice-Chancellor and therefore, such an appointment must be in accordance with the provisions laid down in the aforementioned regulations of the UGC.

48. It is clear that the respondent State of Gujarat has failed to take note of the communication from the UGC and instead the respondent University has left it to the sweet will of the Search Committee to prescribe eligibility criteria for the



appointment of the Vice-Chancellor of the University. The eligibility criteria when once fixed by the UGC under its regulations would in our view apply to all the universities which are aided by the UGC to be bound by the said regulations even in the absence of the same being incorporated under the respective universities Act of the respective States.

49. Therefore, when the appointment of Respondent 4 is found to be contrary to the UGC Regulations, 2018 and the UGC Regulations are having the statutory force, we are of the opinion that this is a fit case to issue a writ of quo warranto and to quash and set aside the appointment of Respondent 4 as the Vice-Chancellor of the SP University.

50. It cannot be disputed that the UGC Regulations are enacted by the UGC in exercise of powers under Sections 26(1)(e) and 26(1)(g) of the UGC Act, 1956. Even as per the UGC Act every rule and regulation made under the said Act, shall be laid before each House of Parliament. Therefore, being a subordinate legislation, UGC Regulations becomes part of the Act. In case of any conflict between the State legislation and the Central legislation, Central legislation shall prevail by applying the rule/principle of repugnancy as enunciated in Article 254 of the Constitution as the subject "education" is in the Concurrent List (List III) of the Seventh Schedule to the Constitution. Therefore, any appointment as a Vice-Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting a writ of quo warranto.

51. In view of the above discussion and for the reasons



stated above, the appointment of Respondent 4 as Vice-Chancellor of the SP University - Respondent 2 herein, is contrary to the UGC provisions, namely, UGC Regulations, 2018. We hence allow the present writ petition and issue a writ of quo warranto quashing and setting aside the appointment of Respondent 4 as the Vice-Chancellor of SP University. The present petition is accordingly, allowed.”

15.8. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, the Apex Court noticed 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 a 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 functions as a bridge between the executive and academic wings of the University as he is the head of both a ‘teacher’ and an ‘administrator’. In the decision, the Apex Court referred to some of the significant commission reports concerning the personality and the role of a Vice-Chancellor of a University, as well as the UGC handbook titled ‘Governance in Higher



Education: Handbook for Vice-Chancellors' published in 2019. Paragraphs 53 to 55 of the said decision of the Apex Court read thus;

"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 provisions 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 the 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.”

55. Discussing the situation in the backdrop of principle of governance as quoted by Chanakya in his Nitishastra - “Yatha Raja Tatha Praja”, the sense of morality must begin from the door of the leader who preaches it.”

15.9. In **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, the Apex Court noticed that the 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, an excellent administrator and also someone who has a high moral stature. The Vice-Chancellor is the kingpin of a University’s system and a keeper of the University’s conscience. Paragraphs 56 to 58 of the said decision of the Apex Court read thus;

“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 Ram Lal 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.

57. Further, in our view, the Search/Selection Committee plays a vital and significant role in the selection of the Vice-Chancellor; yet the selected Vice-Chancellor's performance in the universities vary from university to university. Therefore, the members of the Search Committee, who are given the privilege and honour of selecting and suggesting names for the appointment of Vice-Chancellor are directly or indirectly responsible for the achievement of the university. Commitment to the quality and the objectives of the universities in particular and higher education system in general, are of course the deciding factors in selecting the right person.

58. We are sure and we hope and trust that while making a fresh appointment of Vice-Chancellor in the State and the universities thereunder, the aforesaid aspects shall be kept in mind by the State and the universities concerned. With this hope and trust we leave the matter there."

16. In **Sreejith P.S. v. Rajasree M.S. [(2023) 17 SCC 338]** the Apex Court was dealing with Civil Appeals arising out of the judgment of a Division Bench of this Court dated 02.08.2021



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in W.A.No.514 of 2021 and order dated 24.09.2021 in R.P.No.634 of 2021. The writ appeal was filed challenging the judgment dated 12.02.2021 of the learned Single Judge in W.P.(C)No.33004 of 2019 refusing to issue a writ of quo warranto to declare the appointment of the 1st respondent as Vice-Chancellor of APJ Abdul Kalam Technological University as void ab initio. The petitioner contended that the appointment of the 1st respondent was dehors the provisions of the UGC Regulations, 2010; that the composition of the Search Committee was not in accordance with the UGC Regulations; even the recommendation and appointment of the 1st respondent as Vice-Chancellor was not in accordance with the UGC Guidelines; the Search Committee was required to recommend a panel of three to five names to the Chancellor, however, only one name was recommended to the Chancellor, which was contrary to the UGC Regulations; the provisions of the University Act to the extent it conflicts with the UGC Regulations shall not be binding and the provisions of the UGC Regulations shall prevail over the said legislation to the extent they are in conflict with the UGC Regulations.



16.1.The writ petition was opposed by the respondents contending, inter alia, that unless the UGC Regulations are adopted by the State Government, the University Act enacted by the State shall prevail; and that the UGC Regulations, 2010 are directory for the Universities and colleges and for the other higher educational institutions under the provisions of the State Legislature, as the matter has been left to the State Government to adopt and implement the scheme. The learned Single Judge dismissed the writ petition relying upon the decision of the Apex Court in **Kalyani Mathivanan v. K.V. Jeyaraj [(2015) 6 SCC 363]** by observing that unless the UGC Regulations are specifically adopted by the State Government, the State legislation shall prevail. Therefore, the learned Single Judge opined that once the Search Committee was constituted as per Section 13 of the University Act enacted by the State, the appointment of the 1st respondent can be said to be by a duly constituted Search Committee and as such the appointment cannot be said to be illegal. Feeling aggrieved, the petitioner filed W.A.No.514 of 2021 before the Division Bench. The Division Bench, while dismissing the appeal, has observed that as the amendment to the UGC



Regulations has not been adopted, the same shall not be applicable and/or binding while appointing the 1st respondent. The Division Bench relied on the decision of the Apex Court in **Kalyani Mathivanan [(2015) 6 SCC 363]**. R.P.No.634 of 2021 was filed seeking review, which was also dismissed on 24.09.2021.

16.2. In **Sreejith P.S. [(2023) 17 SCC 338]**, before the Apex Court, the learned Senior Counsel for the appellant contended that the impugned judgment and order of the High Court are contrary to the decision in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** as well as **State of West Bengal v. Anindya Sundar Das [(2022) 16 SCC 318]**. As observed and held in the said two decisions, the provisions of the UGC Regulations shall be applicable and prevail. Therefore, any provision of the State Act (the University Act and the Regulations), which are in conflict with the UGC Regulations, shall be repugnant and the provisions of the UGC Regulations shall have to be applied. The UGC Regulations, 2010, were adopted by the State Government vide the order dated 10.12.2010. However, the High Court has erroneously observed and held that the UGC Regulations shall not be applicable, as the subsequent amendment to the UGC



Regulations dated 13.06.2013 has not been specifically adopted by the State Government. Therefore, any appointment on the post of Vice-Chancellor of the University contrary to the UGC Regulations shall be void ab initio, and hence the High Court ought to have issued a writ of quo warranto. Further, the Search Committee constituted to recommend the appointment of the 1st respondent as Vice-Chancellor was not a duly constituted committee as required under the provisions of the UGC Regulations. Even otherwise, as per Section 13 of the University Act, the Search Committee was required to recommend a panel of not less than three suitable persons from amongst the eminent persons in the field of engineering sciences. The Search Committee recommended the name of 1st respondent alone, which was sent to the Chancellor. Therefore, the appointment of the 1st respondent can be said to be contrary to Section 13(4) of the University Act, 2015.

16.3. On the other hand, relying upon the decision in **Kalyani Mathivanan [(2015) 6 SCC 363]**, the State contended that, as observed and held by the Apex Court, unless the UGC Regulations are specifically adopted by the State, the State is not



bound by the UGC Regulations. Therefore, the High Court has rightly refused to issue a writ of quo warranto, relying on the decision in **Kalyani Mathivanan [(2015) 6 SCC 363]**. The learned counsel for the 1st respondent contended that, even assuming that the UGC Regulations, 2013 shall be applicable, in that case also, even considering the relevant provisions of the UGC Regulations, 2013, the Search Committee constituted in the present case cannot be said to be contrary to the UGC Regulations. The Search Committee consisted of one member nominated by AICTE and the Chief Secretary of the State. The member nominated by AICTE can be said to be a person of eminence in the sphere of higher education. Therefore, it cannot be said that the Search Committee constituted to recommend the name of the 1st respondent was an illegally constituted Search Committee.

16.4. In **Sreejith P.S. [(2023) 17 SCC 338]**, the Apex Court noticed that, the questions posed for consideration of the Court are whether while making the appointment of the 1st respondent as Vice-Chancellor of APJ Abdul Kalam Technological University, the appointment should be as per the prevailing UGC Regulations or the provisions of the State Act (University Act,



2015), and whether the Search Committee constituted to recommend the name of the 1st respondent as Vice-Chancellor of the University can be said to be a duly constituted Committee. After formulating the above questions, the Apex Court noticed that on the issue whether the UGC Regulations shall prevail vis-à-vis the State legislation/State Act, an identical question came to be considered by the Court in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**. While considering the appointment of Vice-Chancellor in the Sardar Patel University, Gujarat, it was specifically observed and held by the Court that the appointment of Vice-Chancellor cannot be made de hors the applicable UGC Regulations, even if the State Act concerned prescribes diluted eligibility criteria, vis-à-vis the criteria prescribed in the applicable UGC Regulations. It was further observed and held by the Court in the said decision that the State Act, if not on a par with the UGC Regulations, must be amended to bring it on a par with the applicable UGC Regulations, and until then, it is the applicable UGC Regulations that shall prevail. It was further observed and held that, being a subordinate legislation, the UGC Regulations become part of the Act. It was further observed and held that in case of any conflict



between the State legislation and the Central legislation, the Central legislation, i.e., the applicable UGC Regulations shall prevail by applying the principle of repugnancy under Article 254 of the Constitution as the subject 'education' is contained in the Concurrent List of Schedule VII of the Constitution. Having found that the appointment of Vice-Chancellor in Sardar Patel University was contrary to the UGC Regulations, 2010, the Court issued the writ of quo warranto. The decision in **Kalyani Mathivanan [(2015) 6 SCC 363]** was also pointed out by the Court. Even in **Kalyani Mathivanan [(2015) 6 SCC 363]**, it was observed in para 53 that to the extent the State legislation is in conflict with the Central legislation, including subordinate legislation made by the Central legislation under Entry 25 of the Concurrent List, the same shall be repugnant to the Central legislation and would be inoperative. The Apex Court noticed that, in **Kalyani Mathivanan [(2015) 6 SCC 363]**, the Court was considering the UGC Regulations, 2010, which were silent in regard to the post of Vice-Chancellor.

16.5. In **Sreejith P.S. [(2023) 17 SCC 338]**, the Apex Court held that in view of the two binding decisions in



Gambhirdan K. Gadhvi [(2022) 5 SCC 179] and **Kalyani Mathivanan [(2015) 6 SCC 363]**, any appointment as a Vice-Chancellor made on the recommendation of the Search Committee, which is constituted contrary to the provisions of the UGC Regulations shall be void ab initio. If there is any conflict between the State legislation and the Union legislation, the Union law shall prevail, even as per Article 254 of the Constitution of India, to the extent the provision of the State legislation is repugnant. On the facts of the case at hand, the Apex Court noticed that, vide the order dated 10.12.2010, the UGC Regulations have been specifically adopted by the State Government. In the order dated 27.03.2010, while adopting/accepting the UGC Regulations, it is specifically observed in para 5 that all the universities shall incorporate the UGC Regulations in their statutes and Regulations within one month from the date of the said order and the Government will initiate steps to amend the Acts of the universities, if required to implement the Regulations. It is further mentioned in para 5 that the Government will also take the steps to amend the Special Rules to give effect to the stipulations of the UGC Regulations. Merely because the



subsequent amendment has not been specifically adopted/ accepted by the State cannot be a ground for the State to contend that the amendment to the Regulations shall not be binding on the State/State's Universities. Therefore, the UGC Regulations were applicable for the appointment of Vice-Chancellor in the respective universities in the State, and the appointment of the Vice-Chancellor shall always be as per the relevant provisions of the UGC Regulations, amended from time to time. Paragraphs 24 to 26 of the said decision read thus;

"24. The decision of this Court in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** has been subsequently followed in the recent decision of this Court in **State of West Bengal v. Anindya Sundar Das [(2022) 16 SCC 318]** while considering the appointment of the Vice-Chancellor of Calcutta University. In the said decision, it is also observed and held in para 56 that in view of the decision in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, even if the provisions of the State Act allowed the appointment of the Vice-Chancellor by the State Government, it would have to be as per the UGC Regulations and any appointment of Vice-Chancellor in violation of the UGC Regulations shall be void ab initio. It is further observed that the UGC Regulations shall become part of the statute framed by Parliament and, therefore, shall prevail.



25. In view of the above two binding decisions of this Court, any appointment as a Vice-Chancellor made on the recommendation of the Search Committee, which is constituted contrary to the provisions of the UGC Regulations shall be void ab initio. If there is any conflict between the State legislation and the Union legislation, the Union law shall prevail even as per Article 254 of the Constitution of India to the extent the provision of the State legislation is repugnant. Therefore, the submission on behalf of the State that unless the UGC Regulations are specifically adopted by the State, the UGC Regulations shall not be applicable and the State legislation shall prevail unless the UGC Regulations are specifically adopted by the State cannot be accepted.

26. Even otherwise, it is required to be noted that in the present case, as such vide order dated 10.12.2010, the UGC Regulations have been specifically adopted by the State Government. At this stage, it is required to be noted that in the order dated 27.03.2010, while adopting/accepting the UGC Regulations, it is specifically observed in para 5 that all the universities shall incorporate the UGC Regulations in their statutes and Regulations within one month from the date of the said order and the Government will initiate steps to amend the Acts of the universities, if required to implement the Regulations. It is further mentioned in para 5 that the Government will also take the steps to amend the Special Rules to give effect to the stipulations of the UGC Regulations. Merely because the subsequent amendment has not been specifically adopted/accepted by the State



cannot be a ground by the State to contend that the amendment to the Regulations shall not be binding on the State/State's Universities. Therefore, also, the UGC Regulations were applicable with respect to the appointment of Vice-Chancellor in the respective universities in the State and the appointment of the Vice-Chancellor shall always be as per the relevant provisions of the UGC Regulations, amended from time to time."

16.6. In **Sreejith P.S. [(2023) 17 SCC 338]**, the next question considered by the Apex Court was whether the Search Committee constituted to recommend the name of 1st respondent as Vice-Chancellor of the APJ Abdul Kalam Technological University can be said to be a duly constituted Search Committee. After referring to Clause 7.3.0 of the UGC Regulations, 2013 and Section 13 of the A.P.J. Abdul Kalam Technological University Act, 2015, relating to the appointment of Vice-Chancellor, the Apex Court held that as per the UGC Regulations, 2013, Clause 7.3.0, the selection of Vice-Chancellor should be through proper identification of a panel of 3-5 names by a Search Committee and the members of the Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the university concerned or its



colleges. It further provides that the Visitor/Chancellor shall appoint the Vice-Chancellor out of the names recommended by the Search Committee. Therefore, the recommendation for appointment as a Vice-Chancellor should be sent by the Search Committee, duly constituted and the Search Committee has to recommend the names and, thereafter, the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of names recommended by the Search Committee. While preparing the panel, the Search Committee must give proper weightage to the academic excellence, exposure to the higher education system in the country and abroad and adequate experience in academic and administrative governance. In para 29 of the decision, the Apex Court has referred to paras 53, 54, 54.1 to 54.5, 55 and 56 of the decision in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** where the importance of the post of the Vice-Chancellor has been elaborately observed and considered by the Court. In para 30 of the decision, the Apex Court has referred to para 57 of the decision in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** on the role of the Search Committee/Selection Committee. The Apex Court noticed that even as per Section 13(4) of the University Act, 2015,



the Committee shall recommend unanimously a panel of not less than three suitable persons from amongst the eminent persons in the field of engineering sciences, which shall be placed before the Visitor/Chancellor. In the case at hand, admittedly, the name of the 1st respondent alone was recommended to the Chancellor. As per the UGC Regulations, the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of names recommended by the Search Committee. When only one name was recommended and the panel of names was not recommended, the Chancellor had no option to consider the names of the other candidates. Therefore, the appointment of the 1st respondent can be said to be de hors and/or contrary to the provisions of the UGC Regulations as well as to the University Act, 2015. The appointment of the 1st respondent based on the recommendations made by the Search Committee, which was not a duly constituted as per the UGC Regulations and when only one name alone was recommended, in spite of a panel of suitable candidates [3-5 suitable persons as required under Section 13(4) of the University Act, 2015], the appointment of the 1st respondent can be said to be illegal and void ab initio, and, therefore, the writ of quo warranto was



required to be issued. In view of the above, the Apex Court set aside the judgment and order passed by the Division Bench of the High Court as well as that of the learned Single Judge dismissing the writ petition and refusing to issue the writ of quo warranto declaring the appointment of the 1st respondent as Vice-Chancellor of APJ Abdul Kalam Technological University as bad in law and/or illegal and void ab initio. The writ petition was allowed by issuing a writ of quo warranto declaring the appointment of the 1st respondent as Vice-Chancellor of APJ Abdul Kalam Technological University as void ab initio. Consequently, the appointment of the 1st respondent as Vice-Chancellor of APJ Abdul Kalam Technological University was quashed and set aside by the Apex Court.

17. In **State of Kerala v. Chancellor APJ Abdul Kalam Technological University and others [2023 KHC OnLine 9027]**, a Division Bench of this Court was dealing with a writ appeal, the subject matter of which relates to the appointment of the Vice-Chancellor of APJ Abdul Kalam Technological University, in terms of Section 13(7) of the APJ Abdul Kalam Technological University Act, 2015. The incumbent Vice-Chancellor, consequent



upon the Apex Court upholding the challenge made to her appointment, vacated the office on 21.10.2022. Section 13(7) of the Act permits the appointment of a Vice-Chancellor for a period not exceeding six months in the aggregate till the regular Vice-Chancellor assumes office. The Chancellor of the University, who is the Governor of the State, appointed the 3rd respondent therein (Dr.Ciza Thomas), without there being a recommendation of the State Government, as contemplated under Section 13(7) of the Act. Challenging her appointment as above for the interregnum, the State Government filed W.P.(C)No.35646 of 2022 seeking *quo warranto*, writ of certiorari, etc. The learned Single Judge, by the judgment dated 16.02.2023, refused to issue *quo warranto*. The other reliefs sought for by the State Government were also not allowed. However, the learned Single Judge issued certain directions in the matter of selection of a regular Vice Chancellor, though the challenge in the writ petition was only against the appointment under Section 13(7) of the Act. Feeling aggrieved by the judgment of the learned Single Judge, the State filed W.A.No.1847 of 2022, under Section 5(i) of the Kerala High Court Act.



17.1. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the Division Bench noticed that there is no UGC Regulation governing the appointment of the Vice-Chancellor temporarily, till a regular appointment is made. After referring to Section 13(7) of the Act, the Division Bench observed that Section 13(7) has three parts. The first part refers to the recommendation, the authority of the Government to recommend names; the second part refers to the nature of the persons, who can be recommended for appointment as a Vice-Chancellor, by virtue of their office; the third part refers to the power of the Chancellor to appoint the Vice-Chancellor. The Division Bench noticed that the power of the State Government, as referred to under the statutory provisions to recommend names, cannot be doubted since the State has legislative competence under Entry 25 to List III Concurrent List to the Seventh Schedule to the Constitution of India. The phrase 'recommendation' in the context of Section 13(7) of the APJ Abdul Kalam Technological University Act means the authority to initiate the process to make an appointment and choose the candidate. This being a temporary appointment, the field of choice is limited



to a certain category of officials.

17.2. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the Division Bench noticed that the second part of Section 13(7) of the Act, which is the most important part, is about the category of officers who can be suggested for appointment. The UGC Regulations, 2010 has been replaced by 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, i.e., the UGC Regulations, 2018, which prescribes the qualifications and eligibility to be appointed as a Vice-Chancellor. The power of UGC is traceable under Entry 66 of List I of the Constitution of India. If the UGC has prescribed any qualification to be appointed as a Vice-Chancellor, any legislation or regulation made by the State would be subject to such UGC Regulations. Therefore, the State Government can only recommend such officers who possess the necessary qualifications as prescribed by the UGC. The prescription of qualifications in the UGC Regulations would be deemed to have been incorporated as part of Section 13(7) of the



Act. Thus, while the Government recommends any name for appointment as Vice-Chancellor, the Government can only recommend the names of candidates who possess the necessary qualifications as prescribed by the UGC. If any of the categories of the officers, as referred to under Section 13(7) of the Act, are not meeting the said requirement, their names cannot be recommended to be appointed as Vice-Chancellor.

17.3. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the Division Bench found that the second part of Section 13(7) of the Act has to be understood in light of the prescription of the qualification by the UGC, as the same is deemed to have been incorporated as part of the legislation being occupied by the UGC Regulations. If the category of persons referred to under 13(7) of the Act is not available for want of qualifications, the statutory provision will not become otiose. The statutory provision, conferring authority on the Government, will survive to appoint any person who has prescribed qualifications under the UGC Regulations, as the UGC Regulations with regard to qualified persons have to be read as part of Section 13(7) of the Act.



17.4. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the Division Bench found that the third part of Section 13(7) of the Act is related to the authority of the Chancellor to make appointments. Undoubtedly, the Chancellor has been conferred with the power to appoint the persons who possess the necessary qualifications as prescribed by the UGC, as Vice-Chancellor. The Chancellor, in that process, cannot overlook the authority of the State Government to recommend the name of any qualified person for appointment as Vice-Chancellor. When a statute prescribes a particular mode, be it directory or mandatory, that has to be followed for such an appointment and cannot be disregarded while making such an appointment. Therefore, the Division Bench held that the procedure that has to be followed must be in accordance with the statutory provisions as referred to under Section 13(7) of the Act.

17.5. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, on the question related to the issuance of *quo warranto*, the Division Bench noticed that it is only in total disregard to the procedure established under law, a public office is usurped by an incumbent, then the Court would



be compelled to issue a writ of *quo warranto*. Therefore, the Court will have to analyse the particular circumstances under which a public office is occupied by a person. On the facts of the case at hand, the Division Bench noticed that the Chancellor did not disregard the authority of the State Government in appointing a qualified person. The State Government suggested the name of Dr.Saji Gopinath, Vice-Chancellor of the Kerala University of Digital Sciences, Innovation and Technology. Since the Chancellor apparently was not satisfied with the qualification of Dr.Saji Gopinath, his name was returned with an opinion that his appointment as Vice-Chancellor of the Digital University is under a cloud. Thereafter, the Government sent the name of the Secretary to the Government, Higher Education Department. The Chancellor did not respond to the request, apparently for the reason that he is only a bureaucrat without any academic qualifications. Then the Chancellor, taking note of the situation prevailing in the University, and to break the stalemate, appointed the 3rd respondent (Dr.Ciza Thomas), who possessed the qualifications as per the UGC Regulations.

17.6. In **Chancellor APJ Abdul Kalam Technological**



University [2023 KHC OnLine 9027], the Division Bench then considered the question as to whether *quo warranto* needs to be issued in the aforesaid circumstances. The Division Bench was of the firm view that when the Chancellor is holding an office of high dignity, there is always a presumption that any act done by such office is done in bona fide. See: *Municipal Corporation of Delhi v. Qimat Rai Gupta* [(2007) 7 SCC 309 at para 17]. The Chancellor, in particular circumstances, noting that delay would frustrate the administration of the University and also to avoid chaos due to the vacuum in the office of the Vice-chancellor, being the appointing authority and the head of the University, to end the stalemate, stepped in and appointed a qualified person as per the UGC Regulations. Mere procedural lapse, if any, cannot result in the issuance of *quo warranto*. As noted, *quo warranto* is related to the public interest, and it is only when such an appointment is adverse to the larger public interest that the Court needs to issue *quo warranto*. *Quo warranto* cannot be issued for mere procedural lapse or error, but can be issued only when the usurper is found to have no semblance of right to remain in the public office. The Division Bench found that the particular circumstances



in which the Chancellor acted warrant no relief of *quo warranto*.

17.7. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the Division Bench noticed that the appointment, as referable under Section 13(7) of the Act, is for a maximum period aggregating to six months. That does not mean that a right is conferred on an appointee to continue until the expiration of the period of six months as a matter of right. In the case of appointment to a fortuitous post, without there being a selection, based on a choice of the appointing authority as a stop-gap arrangement, the appointee cannot claim any right to continue for a fixed term or till regular hand is replaced. The appointment, being a stop-gap arrangement, it is always open for the recommending authority to recommend any other name to replace such an appointee. It is in the domain of the recommending authority to decide whether such an appointee is to be replaced or not. There is no legal right for an appointee to continue for a fixed period. The appointment being a fortuitous post, the Division Bench viewed that it is for the State Government to decide whether any other name is to be recommended to replace the 3rd respondent or not. It is purely



within the realm of the Government to adopt such a course. It is appropriate for the State Government, while recommending such names, to follow the procedure of sending a panel of a minimum of three names, in light of the UGC Regulation as far as the regular appointment is concerned. Though it is not related to temporary appointments, the very objective of the UGC Regulations is to eschew arbitrariness and to ensure fair play while recommending such names. Therefore, the Division Bench observed that the Government is free to suggest a panel of a minimum of three other names to the Chancellor to replace the 3rd respondent.

17.8. In **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, the Division Bench noticed that in the impugned judgment dated 29.11.2022 in W.P.(C)No.35656 of 2022 - **State of Kerala v. Chancellor APJ Abdul Kalam Technological University [2023 (1) KLT 485]** - the learned Single Judge had issued certain other directions in the matter for the selection of a regular Vice-Chancellor. The writ petition was filed only challenging the appointment of the 3rd respondent and the authority of the Chancellor in making such an appointment, disregarding the authority of the Government to



make recommendations as provided under Section 13(7) of the Act and not an appointment as provided under Section 13(2). Therefore, the Division Bench set aside all other directions in the judgment of the learned Single Judge, as such directions are unwarranted in the case.

18. As noticed by the Apex Court in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, being a leader and head of the institution, the Vice-Chancellor of the University has to play a 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 functions as a bridge between the executive and academic wings of the University as he is the head of both a 'teacher' and an 'administrator'. The 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, an excellent administrator and also someone who has a high moral stature. The Vice-Chancellor is the kingpin of a University's system and a keeper of the



University's conscience. In **Sreejith P.S. [(2023) 17 SCC 338]**, the Apex Court has referred to the decision in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, where the importance of the post of the Vice-Chancellor has been elaborately considered by the said Court.

19. In **Dr.Premachandran Keezhoth v. Chancellor Kannur University [2023 SCC OnLine SC 1592 : AIR 2024 SC 135]**, in the context of the provisions contained in Section 10(10) of the Kannur University Act, 1996, which deals with the reappointment of Vice-Chancellor, the Apex Court held that, under the scheme of the said Act and the statutes, the Chancellor plays a very important role. He is not merely a titular head. In the selection of the Vice-Chancellor, he is the sole judge and his opinion is final in all respects. In reappointing the Vice-Chancellor, the main consideration to prevail upon the Chancellor is the interest of the University. The Chancellor was required to discharge his statutory duties in accordance with law and guided by the dictates of his own judgment and not at the behest of anybody else. The law does not recognise any such extra-constitutional interference in the exercise of statutory discretion.



Any such interference amounts to dictation from a political superior and has been condemned by courts on more than one occasion.

19.1. In **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]**, one of the contentions raised before the Apex Court was that the reappointment under Section 10(10) of the Kannur University Act was based on the request of the State Government and not on any independent evaluation by the Chancellor. Such a request was wholly unwarranted as the State Government has no say in the appointment or reappointment of the Vice-Chancellor. The Apex Court noticed that Section 10 of the Act envisages distinct situations namely: (a) Appointment of a Vice-Chancellor by the Chancellor out of a panel of three names recommended by the search committee constituted by the State Government; (b) No person above sixty years of age is eligible to be appointed as a Vice-Chancellor; (c) Reappointment in respect of which, the power is vested in the Chancellor under Section 10(10); and (d) The proviso attached to sub-section (10) of the Section 10 stipulating that a person shall not be appointed as Vice-Chancellor for more than two terms. One of the questions



formulated by the Apex Court was as follows: Did the Chancellor abdicate or surrender his statutory power of reappointment of the Vice-Chancellor? The Apex Court noticed that the Chancellor had already initiated the steps for appointment of a new Vice-Chancellor, which is evident by the fact that a Selection Committee was constituted vide notification dated 27.10.2021. At that point of time, reappointment of the 4th respondent as Vice-Chancellor, in accordance with Section 10(10) of the Act, was not in the mind of the Chancellor. The State of Kerala issued a notification dated 01.11.2021 inviting applications from eligible candidates. All of a sudden, the Minister for Higher Education and Social Justice, in his capacity as the Pro-Chancellor, addressed a letter dated 22.11.2021 to the Chancellor recommending reappointment of the 4th respondent for a second term as Vice-Chancellor. On 22.11.2021 itself, the notification inviting applications from the eligible candidates was withdrawn. On the same date, the Minister addressed another letter to the Chancellor stating that the 4th respondent be reappointed as Vice-Chancellor of Kannur University. On the very same day, i.e., on 23.11.2021, the notification reappointing the 4th respondent as Vice-Chancellor



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was issued.

19.2. In **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]**, the Apex Court noticed that, as it appears from the press release issued by the Kerala Raj Bhavan dated 03.02.2022, the opinion of the Advocate General was also sought for in connection with the reappointment of the 4th respondent as Vice-Chancellor. The very first para of the press release states that "Kerala Raj Bhavan strongly refutes the claim in some news reports that it was on the direction of Hon'ble Governor that the name of Dr. Gopinath Ravindran was suggested for reappointment as Vice Chancellor, Kannur University. The truth is that the same was initiated by the Chief Minister and the Higher Education Minister." The last part of the report states that the process of selection of Vice-Chancellor, which was set in motion vide notification dated 27.10.2021, came to an end consequent to the request from the Minister of Higher Education and the opinion of the Advocate General, Kerala. The aforesaid facts make it abundantly clear that there was no independent application of mind or satisfaction or judgment on the part of the Chancellor and the 4th respondent came to be reappointed only at the behest of



the State Government.

20. The UGC Regulations, 2010 and the UGC Regulations, 2018 are enacted in exercise of the powers under clauses (e) and (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956, as per which every rule and regulation made thereunder shall be laid before each house of Parliament. As held by the Apex Court in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]**, being a subordinate legislation, the UGC Regulations become part of the UGC Act. In case of any conflict between the State legislation and the Central legislation, the Central legislation shall prevail by applying the rule/principle of repugnancy as enunciated in Article 254 of the Constitution of India as the subject 'education' is in the Concurrent List (List III) of the Seventh Schedule to the Constitution. Moreover, Clause 7.4.0 mandates that the Universities/State Governments shall modify or amend the relevant Acts/Statutes of the Universities concerned within six months of adoption of the UGC Regulations, 2010. Therefore, any appointment as a Vice-Chancellor contrary to the provisions of the UGC Regulations can be said to be in violation of the statutory provisions, warranting issuance of a writ of quo



warranto.

21. The law laid down in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** was relied on by the Apex Court in **Sreejith P.S. [(2023) 17 SCC 338]**, in the context of appointment as Vice-Chancellor of APJ Abdul Kalam Technological University. In the said decision, the Apex Court held that the recommendation for appointment as a Vice-Chancellor should be sent by the Search Committee, duly constituted and the Search Committee has to recommend the names and, thereafter, the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of names recommended by the Search Committee. The decision of the Apex Court in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** was in the context of regular appointment as Vice-Chancellor of Sardar Patel University in the State of Gujarat and the decision of the Apex Court in **Sreejith P.S. [(2023) 17 SCC 338]** was in the context of regular appointment as Vice-Chancellor of APJ Abdul Kalam Technological University in the State of Kerala.

22. In view of the provisions contained in Clause 7.3.0 of the UGC Regulations, 2010, followed by Clause 7.3 of the UGC Regulations, 2018, the selection for the post of Vice-Chancellor of



a University should be through proper identification by a panel of 3-5 persons by a Search-cum-Selection-Committee. As per Clause 7.3(ii) of the UGC Regulations, 2018, the selection for the post of Vice-Chancellor should be through proper identification by a panel of 3-5 persons by a Search-cum-Selection-Committee, through a public notification or nomination or a talent search process or a combination thereof. Thereafter, as per Clause 7.3(iii), the Visitor/Chancellor shall appoint the Vice-Chancellor out of the panel of names recommended by the Search-cum-Selection Committee. As noticed by the Division Bench in **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**, there is no UGC Regulation governing the appointment of the Vice-Chancellor temporarily, till a regular appointment is made.

23. In **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]**, one of the questions considered by the Apex Court was as to whether the reappointment of the Vice-Chancellor under Section 10(10) of the Kannur University Act has to follow the same process as a fresh appointment of Vice-Chancellor under Section 10. The Apex Court noticed that the reappointment of the



Vice-Chancellor has been provided under Section 10(10) of the Act. The proviso to Section 10(10) further makes the intention of the legislature to provide for reappointment more clear. The legislature has not thought fit to prescribe any particular procedure or any particular mode or manner of reappointment. The UGC Regulations are also silent as regards the reappointment of the Vice-Chancellor. Where the appointment is to be made for the first time or where the same person is being appointed as a Vice-Chancellor for the second time, but not in continuation of the first term, the procedure provided under Section 10 of the Act must be gone through. However, in the case of reappointment immediately upon the tenure of the first term coming to an end, there is no requirement to initiate the entire process of appointment as provided under Section 10 of the Act.

24. The UGC Regulations, 2010 and also the UGC Regulations, 2018 are also silent as regards the appointment of the Vice-Chancellor temporarily, till a regular appointment is made. Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act deal with the temporary appointment as Vice Chancellor for a period not



exceeding six months in the aggregate, in the circumstances enumerated therein. As per Section 13(7) of the Technological University Act, where the vacancy of Vice-Chancellor arises in any of the circumstances enumerated in clauses (i) to (v), the Chancellor may appoint the Vice-Chancellor of any other University or the Pro-Vice Chancellor of the Technological 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. Similarly, as per Section 11(10) of the Digital University Act, in the event that a temporary vacancy occurs in the post of Vice-Chancellor due to any unforeseen or casual reason or if the Vice-Chancellor has to be temporarily abstained himself from the said position, the Chancellor may appoint the Vice-Chancellor of any other University or the Secretary of Electronics and Information Technology Department, as recommended by the Government, to be the Vice-Chancellor, for a period of not exceeding six months, in the aggregate.

25. In the case of the Technological University, in exercise of the powers under Section 13(10) of the Technological



University Act, the Chancellor may appoint the Vice-Chancellor of any other University or the Pro-Vice Chancellor of the Technological 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. Similarly, in the case of the Digital University, in exercise of the powers under Section 11(10) of the Digital University Act, the Chancellor may appoint the Vice-Chancellor of any other University or the Secretary of Electronics and Information Technology Department, as recommended by the Government, to be the Vice-Chancellor, for a period of not exceeding six months, in the aggregate. Such temporary appointments, for a period of not exceeding six months, in the aggregate, in any of the circumstances enumerated in Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act, are not governed by the provisions contained in Clause 7.3.0 of the UGC Regulations, 2010 or Clause 7.3 of the UGC Regulations, 2018. Therefore, the principle of repugnancy as enunciated in Article 254 of the Constitution of India is not attracted.



26. Being a temporary appointment, the field of choice is limited to the Vice-Chancellor of any other University, and the other officials enumerated in Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act. As noticed by the Apex Court in **Gambhirdan K. Gadhvi [(2022) 5 SCC 179]** and reiterated in **Sreejith P.S. [(2023) 17 SCC 338]**, being a leader and head of the institution, the Vice-Chancellor of the University has to play a very important role. The Vice-Chancellor is the kingpin of a University's system and a keeper of the University's conscience. Any vacuum in the office of the Vice-Chancellor would not be in the best interest of the University, since the Vice-Chancellor functions as a bridge between the executive and academic wings of the University.

27. The term 'recommended by the Government' in the context of Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act means the initiation of the process for the temporary appointment of the Vice-Chancellor, as a stop-gap arrangement. In the context of the provisions contained in Section 10(10) of the Kannur University Act, 1996, which deals with the reappointment of Vice-Chancellor, the Apex



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Court has stated in categorical terms in **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]** that, in the selection of the Vice-Chancellor, the Chancellor is the sole judge and his opinion is final in all respects. In reappointing the Vice-Chancellor, the main consideration to prevail upon the Chancellor is the interest of the University. The Chancellor was required to discharge his statutory duties in accordance with law and guided by the dictates of his own judgment and not at the behest of anybody else. Therefore, instead of recommending a single name, the recommendation by the Government shall be by way of a panel consisting of a minimum of three names, as in the case of a regular appointment governed by the provisions under Clause 7.3 of the UGC Regulations, 2018, as held by the Division Bench in **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]**.

28. The initiation of the process for the temporary appointment of the Vice-Chancellor, as a stop-gap arrangement, in terms of the provisions under Section 13(7) of the Technological University Act and Section 11(10) of the Digital University Act, will not in any manner offend any of the provisions under the UGC



Regulations, 2018 or the law laid down by the Apex Court

Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592].

In the said decision the Apex Court was dealing with a case in which there was no independent application of mind or satisfaction or judgment on the part of the Chancellor, and the 4th respondent therein came to be reappointed as Vice-Chancellor under Section 10(10) of the Kannur University Act, only at the behest of the State Government. In the above circumstances, we find no force in the contention of the learned Senior Counsel for the appellant in W.A.Nos.1160 and 1165 of 2025 and the learned Senior Counsel for the appellants in W.A.Nos.1180 and 1181 of 2025 that the impact of the subsequent judgment rendered by the Apex Court in **Dr.Premachandran Keezhoth [2023 SCC OnLine SC 1592]** on the decision of the Division Bench in **Chancellor APJ Abdul Kalam Technological University [2023 KHC OnLine 9027]** was not properly considered by the learned Single Judge in the impugned judgment. The contention of the learned Senior Counsel for the appellant in W.A.Nos.1160 and 1165 of 2025 that the decision of the Division Bench in **Chancellor APJ Abdul Kalam Technological University**



[2023 KHC OnLine 9027] is one rendered without noticing the relevant statutory provisions and the law on the point is absolutely untenable.

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



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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 pro-actively, to ensure that regular appointment to the post of Vice-Chancellor in the said Universities are made, without any further delay.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

P.V. BALAKRISHNAN, JUDGE

bkn/-