



“C.R.”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

WEDNESDAY, THE 25TH DAY OF JUNE 2025 / 4TH ASHADHA, 1947

WP(C) NO. 33291 OF 2024

PETITIONER/S:

DR. KANTHANATHAN R
AGED 48 YEARS
S/O RAMANATHAN, C4, STAFF QUARTERS, COLLEGE OF VETERINARY AND ANIMAL
SCIENCES, POOKODE, WAYANAD, PIN - 673576

BY ADVS.
SRI.PRAVEEN.H.
SHRI.G.HARIHARAN
SMT.K.S.SMITHA
SHRI.AMAL DEV D
SMT.SNEHA M.S.
SHRI.ABHIJITH E.R.

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT, ANIMAL HUSBANDRY DEPARTMENT,
SECRETARIAT THIRUVANANTHAPURAM, PIN - 695001
- 2 KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, POOKODE, LAKKIDI P.O,
WAYANAD, KERALA REPRESENTED BY THE REGISTRAR, PIN - 673576
- 3 THE CHANCELLOR
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, RAJ BHAVAN ROAD,
THIRUVANANTHAPURAM, KERALA, PIN - 695099
- 4 THE VICE CHANCELLOR



KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, POOKODE, LAKKIDI P.O,
WAYANAD, KERALA, PIN - 673576

- 5 THE ENQUIRY COMMITTEE
,(CONSTITUTED AS PER ORDER NO. KVASU/GA/C3/1214/2024) OF THE GENERAL
ADMINISTRATION DEPARTMENT, KERALA VETERINARY AND ANIMAL SCIENCES
UNIVERSITY, POOKODE, LAKKIDI P.O, WAYANAD, KERALA, REPRESENTED BY ITS
CHAIRMAN, PIN - 673576
- 6 ADDL.R6. SHEEBA M.R,
AGED 44 YEARS. W/O. JAYAPRAKASH T., RESIDING AT PAVITHRAM, VINOD NAGAR,
KURAKODE, NEDUMANGAD P.O., THIRUVANANTHAPURAM DISTRICT - 695541
(ADDL.R6 IS IMPEADED AS PER ORDER DATED 05-06-2025 IN IA 3/24 IN WPC
33291/2024)

BY ADVS. SR GP PREMCHAN R NAIR
SRI.MANU GOVIND
SHRI.S.PRASANTH, SC, CHANCELLOR OF UNIVERSITIES OF KERALA
SMT.NISHA GEORGE
SHRI.P.SREEKUMAR (SR.)
SRI.GEORGE POONTHOTTAM (SR.)
SMT.KAVYA VARMA M. M.

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 25.06.2025, ALONG WITH
WP(C).35376/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

WEDNESDAY, THE 25TH DAY OF JUNE 2025 / 4TH ASHADHA, 1947

WP(C) NO. 35376 OF 2024

PETITIONER/S:

DR. M.K. NARAYANAN
AGED 57 YEARS
DEAN (UNDER ORDER OF SUSPENSION), COLLEGE OF VETERINARY AND ANIMAL
SCIENCES, POOKODE, LAKKIDI P.O., WAYANAD, RESIDING AT STAFF QUARTERS,
UNIVERSITY VETERINARY HOSPITAL, KOKKALAI, THRISSUR, PIN - 673576

BY ADV SHRI.P.C. SASIDHARAN

RESPONDENT/S:

- 1 THE CHANCELLOR
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, RAJ BHAVAN,
THIRUVANANTHAPURAM, KERALA, PIN - 695099
- 2 THE MANAGEMENT COUNCIL
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, REPRESENTED BY
REGISTRAR, POOKODE, LAKKIDI.P.O. O, WAYANAD, PIN - 673576
- 3 THE VICE CHANCELLOR
KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY, POOKODE, LAKKIDI.P.O. O,
WAYANAD, PIN - 673576
- 4 THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI.P.O. O, WAYANAD, REPRESENTED BY ITS REGISTRAR., PIN - 673576
- 5 SHEEBA M.R W/O JAYAPRAKASH T., RESIDING AT PAVITHRAM, VINOD NAGAR,
KURAKODE, NEDUMANGAD P.O., THIRUVANANTHAPURAM DISTRICT (ADDL.R5 IS
IMPLEADED AS PER ORDER DATED 05-06-2025 IN IA 1/24 IN WPC 33291/2024)



BY ADVS. SR GP PREMCHAN R NAIR
SHRI.S.PRASANTH
SRI.MANU GOVIND
SHRI.P.SREEKUMAR (SR.)
SRI.GEORGE POONTHOTTAM (SR.)
SMT.KAVYA VARMA M. M.

THIS WRIT PETITION (CIVIL) HAVING FINALLY HEARD ON 25.06.2025, ALONG WITH
WP(C).33291/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

[WP(C) Nos. 33291/2024, 35376/2024]

“C.R.”

Heard Mr P C Sasidharan and Ms Sneha M S learned Counsel appearing on behalf of the petitioners; Mr P Sreekumar learned Senior Counsel assisted by Mr S Prasanth, learned Standing Counsel for the Chancellor of Universities; Mr Manu Govind learned Standing Counsel for Kerala Veterinary and Animal Sciences University; Ms Nisha George learned Counsel of the 6th respondent and Mr Premchand R Nair learned Senior Government Pleader.

Facts:

2. The petitioner in W.P.(C) No.35376/2024, Dr M.K. Narayanan, was functioning as Dean of the College of Veterinary and Animal Sciences of the Kerala Veterinary and Animal Sciences University (KVASU). The petitioner in W.P.(C) No.33291/2024 is the Assistant Warden of the Men's Hostel of KVASU. Being the Dean of the Colleges, the petitioner, Dr M.K. Narayanan, was the Warden of the said Hostel.



One student, Sidharthan J S, a second-year BVSc and AH course of the College, aged around 21 years as on the date of the incident, was found hanging in the bathroom of the dormitory of the Undergraduate Men's Hostel in the College Campus on 18.02.2024.

2.1 The complaint and information received from some students at the College by the UGC Anti-ragging helpline was transmitted to the Dean of the college, with a copy to the Vice Chancellor. An anti-ragging squad of the College investigated the case, and its report confirmed that Sidharthan J S was subjected to brutal physical abuse and public trial by a section of students, which amounted to ragging.

3. The report of the anti-ragging squad dated 01.03.2024 and 07.03.2024 confirmed the ragging of the deceased student, holding the Dean and the Assistant Warden responsible for administrative lapses and failure in observing the Rules and Regulations prohibiting ragging in Higher Education Institutions. Accordingly, the Vice-Chancellor called for an explanation from Dr M.K. Narayanan and Dr R. Kanthanathan, the



petitioners in these two writ petitions, who were the Dean and the Assistant Warden, respectively, having immediate responsibility to ensure the right behaviour and maintain discipline of the hostel inmates.

4. A three-member Inquiry Committee was constituted by the Vice Chancellor of the University to inquire into the alleged administrative lapses on the part of the petitioners leading to the death of Sidharthan J S on 18.02.2024 at the UG Men's hostel of the College of Veterinary and Animal Sciences, Pookode, Wayanad District, Kerala, a constituent College of the University. The said Inquiry Report is part of W.P.(C) No.33291/2024 as Ext.P9.

4.1 The notice issued to Dr M.K. Narayanan, Dean, directed him to furnish an explanation on the following points:

- “1. Failure on knowing the reported ragging and the torture of Sidharthan J.S in Hostel room and Hostel premises.
2. Failure of keeping in place, in Hostel and its premises the needed precautions, to prevent such an unruly behaviour of some sections of students.



3. Failure or routine patrolling and inspection in Hostels by Assistant Warden and Warden
4. Failure of bringing the incident of death of student Sidharthan J.S to Police and Higher authorities in time.
5. Failure to report the assaulting of the Sidharthan J.S to the parents or the University Officials by the Dean or any other College officials.
6. Failure to give a convincing explanation to the parents and Higher authorities about the situations leading to death of the student Sidharthan J.S.
7. Failure of reporting by students & teachers about the incident of ragging through any of the phone numbers displayed in the mandatory anti-ragging display board that ought to be placed in all the important locations of college /hostel where the students and teachers used daily.”

4.2 Similarly, an explanation on the following points was called for from Dr R Kanthanathan *vide* letter dated 04.03.2024:

- “1. Failure in knowing the reported ragging and the torture of Sidharthan J.S. in Hostel room and Hostel premises.
2. Failure of keeping in place, in Hostel and its premises the needed precautions, to prevent such an unruly behaviour of some sections of students.
3. Failure of routine patrolling and inspection in Hostels by Assistant Warden and Warden.



4. Failure of bringing the incidence of death of student Sidharthan J.S to police and higher authorities in time.

5. Failure to report the assaulting of the Sidharthan J.S to the parents or the University officials by the Dean or any other College officials.”

5. The replies submitted by them were not satisfactory to the Vice Chancellor. Therefore, orders were issued to place them under suspension under Statute 203(1)(a) and (c) *vide* Order dated 05.03.2024, and an enquiry was ordered.

5.1 The Three-member Inquiry Committee was directed to submit its report within three months of its constitution. The Three-member Committee consisted of the following members:

1. Prof. (Dr.) C. Latha, Director (Academics & Research) -Chairperson
2. Prof. Dr. T.S. Rajeev, Director (Entrepreneurship) - Member
3. Smt. T. P. Komalavally (Law Officer, KVASU) – Member

5.2 This Three-member Committee submitted its report, and its concluding paragraph held that the petitioners herein had failed to provide a secure and safe campus life for the students. Dr M K



Narayanan, being the Administrative Head of the Institution, should have effectively managed and controlled the system and Dr R. Kanathanathan, being the immediate responsible officer in the hostel, should have had the command and authority to control the students. No inmate of the hostel was willing to reveal the matter or intimate the authorities about the possibility of a mishap or commission of a major crime, which indicated a failure to instill confidence in them. It was concluded that there were lapses on the part of Dr M.K. Narayanan in maintaining discipline among students and performing the duties and responsibilities for observing UGC Anti-ragging Regulations and Instructions from time to time. Dr M.K. Narayanan did not observe hostel rules to exercise control over the behaviour of inmate students. Similarly, there were lapses on the part of Dr R. Kanthanathan in not exercising the powers of Assistant Warden to prevent the students from becoming unruly in the hostel. They were also held responsible for the lack of prior information and knowledge about the commission of a



major crime like the one which was inquired into, and for not taking immediate remedial action. They held both petitioners jointly liable for their failure to perform and discharge duties and responsibilities.

6. The Committee made several recommendations, which are part of the report and the same are extracted hereunder:

“(1) Accommodation facilities for all the students should be arranged within the college campus.

(2) The hostel entry timings for all the inmates shall be restricted till 09:30 PM, considering the geographical peculiarities prevalent in Pookode campus. Special permission can be given to the research students provided the applications are routed through the proper channel to the Dean.

(3) Hostel records and registers mandatory to be kept in hostels shall be maintained.

(4) All the faculty, non-teaching staff, and students shall wear identity tags within the campus.

(5) CCTV cameras shall be installed in selected common places in the colleges and hostels.

(6) Security systems should be tightened around the clock

(7) The public, including former students, shall be allowed to enter the college campus only for genuine reasons.

(8) Advisorship should be strengthened in its true letter and spirit. A



period shall be dedicated for the advisor-student interaction in the timetable and reports should be maintained.

(9) There shall be a resident tutor in the hostels.

(10) There shall also be a Matron/Hostel Manager for every hostel.

(11) All teaching faculty shall be given the responsibilities of the Assistant Warden for a period of one year i.e., the allotment /appointment shall be on a rotation basis. There shall be supporting staff from non-teaching staff to assist the Assistant Warden.

(12) The activities of the Parent Teacher Association shall be strengthened and the involvement of parents in the campus life of students shall be ensured.

(13) Regular visits and regular meetings shall be conducted by the Warden and the Assistant Warden and the details of such visits shall be properly recorded and well maintained.

(14) Complaint boxes should be installed at colleges and hostels.

(15) Students shall be apprised of the provisions for redressal of grievances

(16) Counselling to the students should be ensured on a timely basis.

(17) Relevant Government Orders/circulars shall be strictly complied with while granting permission to students' union/university union activities within the campus. The involvement of faculty in each student's union activities should be ensured.

(18) UGC anti-ragging regulations and instructions issued from time to time by the University/ Higher Education Council of the Government of Kerala shall scrupulously be followed at the college and University



campus.”

7. The Chancellor, *vide* notification dated 28.03.2024, after taking cognizance of the death of Sidharthan J S, a second-year student of BVSc and AH, perusing the report submitted by the Vice-Chancellor and the Registrar of Kerala Veterinary and Animal Sciences University, which *prima facie* showed serious administrative lapses on the part of the University authorities/officers in taking timely action in the matter, deemed it necessary to have an Inquiry conducted into the administrative lapses, failure of authorities/officers to prevent ragging and other criminal activities in the University campus. Accordingly, in exercise of the powers vested under Section 9(7) and Section 9(9) of the Kerala Veterinary and Animal Sciences University Act 2010, the Chancellor appointed Hon’ble Mr Justice A Hariprasad (former Judge of the High Court of Kerala) as the Commission of Inquiry to conduct an inquiry into the lapses and omissions concerning the administration of the campus and hostel, into the omissions or refusal on the part of the



authorities/officers of the University in performing their duties in terms of the Act, Statutes, Regulations and Anti-ragging Regulations issued by the UGC.

7.1 The terms of reference of the Commission are extracted hereunder:

- “i. The Commission shall inquire into the lapses in the administration which resulted in the tragic death of Sidharthan J.S., BVSc. student of the College of Veterinary and Animal Sciences (CVAS), Pookode, Wayanad, under the Kerala Veterinary and Animal Sciences University.
- ii. The Commission shall inquire into the alleged lapses on the part of Kerala Veterinary and Animal Sciences University co authorities/Officers including that of the then Vice Chancellor and the Dean to contain D the unsavory incidents of ragging and violence in the campus leading to the unfortunate incident and shall fix the responsibility on the officers or authorities of the University for omissions, lapses, if any which led to the tragic incident.
- iii. The Commission shall inquire into the lapses in the administration on the part of University authorities/officers /officials in taking actions prior to and post commission of the offence.
- iv. The Commission shall suggest preventive measures to avert similar incidents in future.”



8. The Commission of Inquiry appointed by the Chancellor held the Vice-Chancellor responsible, besides the two petitioners. The conclusion of the Commission of Enquiry Report dated 05.07.2024 [Ext.P14] in W.P.(C) No.33291/2024 read as under:

“1. The VC, who has the ultimate duty to maintain discipline in the campus, cannot shirk his responsibility for the unfortunate incident merely on the ground that nobody promptly informed him about the incident. As the Administrative Head of the University, he should have ensured that all the important matters happening in the University and CVAS, Pookode and other colleges are brought to his knowledge by the responsible Officers subordinate to him. Supervisory powers conferred on VC is not merely to act only when informed. It includes a duty to see that the Officers under his control reported serious matters promptly.

2. Two incidents of ragging prior to Sidharthan's death were also during the stint of the VC. They went unnoticed and unpunished by the authorities, despite some teachers in the college had known about the incidents. It indicates the lack of trust and co-ordination between the VC, Dean and the Teachers. Pertinent aspect is that CVAS Pookode is situated in the University Campus itself, unlike other colleges affiliated to the University. So, VC could have collected Information regarding any untoward incident, had he been vigilant and proactive.

3. In so far as the functioning of the Dean is concerned, it has to be



observed that he failed to discharge his responsibility as Warden. Materials available on record clearly show that he was not taking any active interest in the administration of the hostels and he was completely relying on the wisdom of the Assistant Wardens.

4. Statements given by some of the witnesses that Warden seldom go to the Men's Hostel cannot be brushed aside. Defacing the walls of the hostel by writing obscenity and political slogans GH show the lack of concern on the part of the Warden to enforce discipline.

5. After the incident of Sidharthan's hanging, the Warden, who came to the hostel, did not act prudently, which invited severe criticism from the family members of the deceased and others. Dean (Warden), being a Surgeon, should have seen that the boy died by the time he reached the hostel because extremities of the body had turned bluish, the body was frigid and there was no pulse. These facts were noticed by the students before Warden's arrival. He should have waited for the law enforcing agency to act so that much of the criticisms could have been avoided.

6. Records show that after the incident Dean used to send reports regularly to VC. There is no material on record to show that VC and Dean used to interact frequently on important administrative matters relating to hostels prior to the incident. In this regard, it is important to COURT note that the Assistant Warden had pointed out deficiencies like absence of CCTV in the hostel, need for posting Security Guards etc. There is no material on record to show that the VC, Registrar and Dean had taken any steps to supply the amenities which could have helped better surveillance on the students.



7. The Assistant Warden also failed in his duties to enforce discipline in the Men's Hostel. It has come out in evidence that he was not a regular visitor to the hostel. To some extent, the senior students were ruling the roost. He never cared to visit the rooms to find out the unruly behavior of the students inside the hostel.

8. Although Assistant Warden's endeavors to secure presence of Security Guards, CCTV Camera and Resident Tutor did not yield any result, he cannot extricate himself from the responsibilities which he could have discharged personally, had he been vigilant. It has come out in evidence that attack on Sidharthan during the night between 16-17 February, 2024 was communicated to him by students, but he did not take any steps to inquire into the incident or take Sidharthan to a hospital.

9. Functioning of the Teachers as Student Advisors is far from satisfactory. Even though they are bound to deal with the academic and personal matters of a certain number of students, most of them could not win the confidence of the students. That is evident from the fact no student approached them for redressal of grievance, even in a case of physical assault.

10. If the allegation, raised by some academic faculty members that the authorities at the helm of affairs of the University administration are not interested in staying in the Head Quarters at Pookode and they prefer to further their interest at Mannuthy and they spend more time at Mannuthy, is true, could be a reason for lack of efficiency in the management and could lead to a kind of anarchy. That fact needs to be ascertained and remedial measures, if any, to be taken.”



8.1 The report is scathing about the conduct of the Vice-Chancellor. The report states that two incidents of ragging before Sidharthan's death also took place during the stint of the Vice-Chancellor. These two incidents went unnoticed and unpunished by the authorities, despite some teachers in the college being aware of the incidents, which reveals a lack of trust and coordination between the Vice-Chancellor, Dean, and the Teachers.

8.2 In respect of the Warden and Assistant Warden, the Commission noticed that the Dean failed to discharge his responsibilities as Warden. He was not taking any active interest in the administration of hostels, and he was completely relying on the wisdom of the Assistant Wardens. In respect of the Assistant Warden, it was observed that he also failed in his duties to enforce discipline in the Men's hostel. He was not a regular visitor to the hostel. The senior students were ruling the roost, and he never cared to visit the rooms to find out the unruly behaviour of the students inside the hostel.



9. The Commission also suggested the following preventive measures to avert similar incidents in future in paragraph 92:

“1. The Vice Chancellor shall discharge his functions as provided under Section 13 of the University Act, 2010 and also under Section 10 of the First Statute 2014. The expression "general supervision and control over the affairs of the University" occurring in Section 3 of the First Statute shall be read in conjunction with the VC's duty to maintain discipline among the students, teaching staff and other employees of the University. It becomes the obligation/duty of the VC to take measures to get to know of the major issues in the University and Colleges and to deal with the situations, in order to prevent any untoward incident.

2. Registrar of the University is the Officer empowered to administer the University office subject to the general direction and control of the VC. He has the authority to sanction expenditure on matters connected with the University and the institutions thereunder. He shall judiciously apply his discretion to prioritize matters relating to administration of the University and institutions. If timely action was taken at his level, complaint that there was infrastructural deficiencies like not providing CCTV in hostels and other places, absence of security guards, not filling up the post of Resident Tutor etc. could have been averted. Inadequate allotment of funds shall not be a reason for not setting up essential measures for maintaining discipline.

3. Dean, who is the Warden by the Rule prescriptions, shall exercise his right as such independently without leaving all the matters completely



to the Assistant Wardens. It is true that Warden is not expected to involve in day to day activities. But then, Warden must be aware of the activities of the inmates in the hostels and behavior of the students in the campus as the Head of the Institution.

4. Power of delegation of duties conferred on VC and Dean cannot be taken as a right to abdicate their statutory responsibility to maintain discipline in the institutions.

5. Assistant Warden, who is the ultimate authority to administer the daily affairs of the hostels, should conduct periodical inspections in the hostel rooms, kitchen, mess hall etc. and take measures to remove any difficulty, if found and also to maintain discipline, if any unwelcome things are noticed. Although the Assistant Warden is assisted by a Hostel Committee comprising of students, he cannot completely rely on them in the matter of maintaining discipline in the hostel.

6. The following facilities should be provided in the campus and hostels as a measure to enforce discipline

(a) CCTV Cameras shall be installed at proper places in the hostels and campus for surveillance of the movement of students,

(b) Definite timings for all the hostel inmates should be fixed for leaving and entering the hostel. Going by the decision in *Fiona Joseph (supra)* access to the hostels could be regulated at 9.30 p.m. as the latest time for entering the hostel. In case of any emergency or other sufficient reasons, a late comer shall get the permission from the Assistant Warden/Warden for entry. Similarly, if an inmate wants to go out after 9.30 p.m. he/she should, on showing sufficient



reason, take permission from the Assistant Warden/Warden.

(c) Sufficient lighting should be provided in the surroundings of the college, hostels, auditoriums etc.

(d) Security Guards should be provided to each hostel run by CVAS, Pookode.

(e) Hostels should be gated communities guarded by security personnel employed by CVAS.

(f) Registers pertaining to the hostel shall be maintained properly periodically inspected.

(g) All students and teaching faculty should be provided with distinct identity tags and wearing the same in the campus must be made mandatory.

(h) Resident Tutor shall be appointed in each hostel as part of supervising the activities of the inmates.

(i) There shall also be a Matron/Hostel Manager for all the hostels.

7. Although the rights of the students, individually or collectively, to demand for proper amenities/infrastructure for a congenial atmosphere to study, should be respected, any kind of political activity in the college should be strictly prohibited in view of the binding pronouncements by the High Court of Kerala.

8. The functions of Anti-Ragging Squad and Anti-Ragging Committee must be strengthened and the responsible authorities should discharge their functions without waiting for an unfortunate incident to happen.

9. Student Advisors should perform their duties in letter and spirit properly so that there is no complaint from the part of any parent about



the lack of communication.

10. Anti-Ragging awareness programmes must be conducted in an effective manner and as provided by the UGC Regulations. Clear signal should be given to all students that the institution has a zero tolerance policy to ragging of any kind.

11. Functioning of the Director of Students Welfare must be made effective in the matter of implementation of all Government/UGC/Court orders in respect of anti-ragging measures in the campuses.

12. The complaint that the Hostels functioning in the University campus were not intended at the time of construction to cater the needs of the present strength and it was intended only for a lesser number of students should be addressed properly and remedial measures should be taken.

13. Provisions in the Hostel Rules should be implemented strictly.

14. PTA meetings shall be conducted regularly and the parents should be taken into confidence, and they must be kept promptly informed about the conduct of their wards.

15. The issue raised by some members of the teaching faculty that Senior Officers of the University (referred to in Section 11 of the University Act, 2010) prefer to stay away from the University Head Quarters at Pookode and to work from Mannuthy Campus, if found true, should be discouraged. The obvious reason is that such a conduct not only reduces the significance of the Head Quarters, but also affects the quality of administration and maintenance of discipline.”



10. The petitioners were issued notice dated 04.03.2024 asking for their explanation for not taking disciplinary actions against them for the following failures:

“8. Failure in knowing the reported ragging and the torture of Sidharthan.J.S in Hostel room and Hostel premises.

9. Failure of keeping in place, in Hostel and its premises the needed precautions, to prevent such an unruly behavior of some sections of students.

10. Failure of routine patrolling and inspection in Hostels by Assistant Warden and Warden.

11. Failure of bringing the incidence of death of student Sidharthan.J.S to police and Higher authorities in time.

12. Failure to report the assaulting of the Sidharthan.J.S to the parents or to the University Officials by the Dean or any other College officials.

13. Failure to give a convincing explanation to the parents and Higher authorities about the situations leading to death of the student Sidharthan.J.S

14. Failure of reporting by students & teachers about the incident of ragging through any of the phone numbers displayed in the mandatory antiragging display board that ought to be placed in all the important locations of college /hostel where the students and teacher used daily.

Reply to this may be given before 4.30 pm today evening.”



10.1 The petitioners submitted their reply to the show cause notice. *Vide* Order dated 05.03.2024, passed by the Vice Chancellor, the petitioners were placed under suspension.

11. Enquiry Memo dated 02.04.2024 was issued to the petitioners alleging gross violation of hostel rules by the inmate students and dereliction of duties by the petitioners as Warden and Assistant Warden to exercise powers conferred under the hostel rules of the University.

11.1 The explanations offered by the petitioners were not found sufficient. It was alleged that the indifferent, negligent and callous attitude of the petitioners was responsible for the unfortunate incident. The petitioners were given fifteen days to file their reply to the Enquiry Memo. The petitioners submitted their reply. A Three-member Enquiry Committee was constituted to enquire into the administrative lapses on the part of the petitioners leading to the death of Sidharthan J S on 18.02.2024 at the UG Men's hostel in the College campus.

12. After the Three-member enquiry, an Order was passed by the



University on 27.08.2024, the Board of Management in its 86th meeting resolved to afford a hearing to the petitioners with respect to their written reply filed in defence against the proposed disciplinary action. The petitioners were directed to appear for an inquiry before the Vice Chancellor and the Faculty Dean. The Vice Chancellor was the Disciplinary Authority, and the Faculty Dean was the Presenting Officer.

13. Dr Kanthanathan R, the petitioner in W.P.(C) No.33291/2024, has prayed for a writ of prohibition restraining the respondents from using or taking action upon Ext.P14, the report submitted by the Commission of Inquiry. It has also been prayed that the respondent authorities should be restrained from proceeding with or taking any further action against the petitioners based on Ext.P9, Three-member Inquiry Report.

13.1 A further prayer has been made to quash the communication dated 12.08.2024 [Ext.P15] from the Office of His Excellency the Governor/Chancellor for taking necessary action in the matter as per



the provisions under Section 9(7)(iii) of the Kerala Veterinary and Animal Sciences University Act 2010 and communicate the opinion of the Management Council/Board of Management within a time frame of 45 days.

14. Strangely enough, the Registrar of the University issued a letter dated 18.09.2024 to the petitioners stating that a Commission of Inquiry was constituted by His Excellency the Governor. The Hon'ble Chancellor of the University had already initiated the process by communicating the opinion of the Management Council/Board of Management in the Inquiry Report under Section 9(7)(iii) of the Kerala Veterinary and Animal Sciences University Act 2010. In Chapter VII, the Disciplinary Procedure of KVASU First Statutes, Sections 212 to 214 provide the powers of Higher Authorities. The Board of Management considered the matter in its Special Meeting held on 12.09.2024, and it decided to withdraw its decision taken in the matter and to proceed further as per the directions of the Chancellor. It was also said that the



Vice Chancellor had issued directions to place the whole matter before the Management Council in its meeting scheduled on 24.09.2024 for consideration, and final orders should be issued subject to the decision in this regard. The said communication has been placed on record as Ext.P16 in W.P.(C) No.33291/2024.

15. The Office of His Excellency, Governor/Chancellor sent a communication dated 27.09.2024 to the Vice Chancellor, directing him to furnish a self-contained and specific updated report on the decision of the Management Council of the Kerala Veterinary and Animal Sciences University in its Special Meeting dated 24.09.2024. They were also directed not to implement the decision dated 24.09.2024 of the Management Council in respect of the reinstatement and transfer of the petitioners and to keep it in abeyance until further orders. The Vice Chancellor was directed to furnish the report at the earliest.

Submissions:

16. Mr P C Sasidharan, learned Counsel appearing on behalf of Dr



M.K. Narayanan, has submitted that Kerala Veterinary and Animal Sciences University Act 2010 and the Statute do not authorise the Chancellor to take a decision in respect of the disciplinary proceedings of the petitioners. The Chancellor is only a Statutory functionary under the University Act and Statute. The Chancellor can issue directions of a limited nature, which is evident from Sections 9 and 10 of the Act. The Chancellor has no power to direct to keep the decision of the Management Council in abeyance or suspend the same.

17. Mr P Sreekumar, learned Senior Counsel, assisted by Mr S Prasanth, learned Counsel, appearing on behalf of the Chancellor, submitted that the Chancellor of the University in exercise of the powers conferred on him under Section 9(7) and Section 9(9) of the Kerala Veterinary and Animal Sciences University Act 2010 constituted an inquiry into the incident by a retired Judge of the High Court and on receipt of the enquiry report, the Chancellor sought opinion of the Management Council on the report as contemplated under Section



9(7)(iii) of the Kerala Veterinary and Animal Sciences University Act 2010. The said letter dated 12.08.2024 has nothing to do with the disciplinary action initiated against the petitioners. The letter dated 12.08.2024 only demanded the opinion of the Management Council on the Inquiry Report so that the Chancellor can act further under the provisions of Section 9(7)(iii) of the Kerala Veterinary and Animal Sciences University Act 2010.

17.1 The Office of the Chancellor also proceeded further under Section 9(9) of the Kerala Veterinary and Animal Sciences University Act 2010. The then Vice Chancellor had been provided with an opportunity to place his case in person pursuant to the Inquiry Report. The action desired *vide* letter dated 12.08.2024 had nothing to do with the disciplinary proceedings initiated and pending against the petitioners. The Statute of the University, Sections 212 to 214 of the First Statute, provide for the powers to be exercised by the higher authorities. The letter dated 12.08.2024 did not invoke any of the powers mentioned in



Statutes, Sections 212 to 214, but had only demanded the opinion of the Vice Chancellor on the Inquiry Report furnished to the Chancellor.

17.2 It is therefore submitted that dropping the inquiry and revoking the suspension of the petitioners merely on the ground that the Chancellor has demanded the opinion of the Management Council/Board of Management is wholly unwarranted and based on the misreading of the communication 12.08.2024 and misconstruing the provisions of the Kerala Veterinary and Animal Sciences University Act 2010 and the Statutes.

18. I have considered the submissions advanced on behalf of the parties and perused the records.

Vishwa Jagriti Mission v. Central Government¹

19. The menace of ragging in educational institutions has not stopped despite the Supreme Court issuing a series of directions in this regard in ***Vishwa Jagriti Mission v. Central Government***. The Supreme

¹ 2001 (6) SCC 577



Court in the aforesaid judgment defined ‘Ragging’ as ‘any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or indisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student.’

19.1 The Supreme Court, in the judgment, issued the following guidelines:

“This Court views with concern the increase in the number of incidents of ragging in educational institutions. Some of the reported incidents have crossed the limits of decency, morality and humanity. Some of the States have acted by enacting legislation and making ragging as defined therein a cognizable and punishable offence. However, we feel ragging cannot be cured merely by making it a cognizable criminal offence. Moreover, we feel that the acts of indiscipline and misbehaviour on the part of the students must primarily be dealt with within the institution



and by exercise of the disciplinary authority of the teachers over the students and of the management of the institutions over the teachers and students. Students ought not ordinarily be subjected to police action unless it be unavoidable. The students going to educational institutions for learning should not remain under constant fear of being dealt with by police and sent to jail and face the courts. The faith in the teachers for the purpose of maintaining discipline should be restored and the responsibility fixed by emphasising the same.”

19.2 The Supreme Court was of the view that Ragging can be stopped by creating awareness amongst the students, teachers and parents that ragging is a reprehensible act. A number of guidelines were issued by the Supreme Court in this judgment, directing the University Grants Commission to bring the guidelines issued by the Supreme Court to the notice of all educational institutions. Publicity must also be given by issuing press notes in the public interest by the UGC and the Central Government.

University of Kerala (3) v. Council of Principals of Colleges, Kerala²

² (2009) 16 SCC 441



20. The Supreme Court noticed with dismay that, notwithstanding the concern shown by the Supreme Court in ***Vishwa Jagriti Mission*** (supra), very little was done to prevent the menace of ragging in educational institutions. Therefore, a Committee headed by Mr R.K. Raghavan, Ex-Director, CBI was constituted immediately to make recommendations as to how the provisions already enacted in several States and Statutes to be framed to prevent the menace and effectively eliminate the menace. The Committee had three other members: (i) the Director, IIT, Kanpur, (ii) the Principal of Dr Maulana Azad Medical College, New Delhi and (iii) the Principal, Ramjas College, New Delhi. And the Committee was directed to nominate two suitable persons from Bombay and Chennai to be part of the Committee.

University of Kerala v. Council of Principals of Colleges, Kerala³

21. An elaborate report was submitted by the said Committee, headed by Mr R.K. Raghavan. The Committee stated the factors required

³ (2009) 16 SCC 712



to focus on tackling the problem of ragging, which have been taken note of in the Order dated 16.05.2007. Paragraph 2 of the said Order reads as follows:

“2. According to the Committee, the following factors need to be focused on to tackle the problem:

- (a) Primary responsibility for curbing ragging rests with the academic institutions themselves.
- (b) Ragging adversely impacts the standards of higher education.
- (c) Incentives should be available to institutions for curbing the menace and there should be disincentives for failure to do so.
- (d) Enrolment in academic pursuits or a campus life should not immunise any adult citizen from penal provisions of the laws of the land.
- (e) Ragging needs to be perceived as failure to inculcate human values from the schooling stage.
- (f) Behavioural patterns among students, particularly potential "raggers", need to be identified.
- (g) Measures against ragging must deter its recurrence.
- (h) Concerted action is required at the level of the school, higher educational institution, district administration, university, State and Central Governments to make any curb effective.
- (i) Media and the civil society should be involved in this exercise.”

21.1 The Committee also made several recommendations. Some of the



important recommendations directed to be implemented by the educational institutions were stated by the Supreme Court in paragraphs 3 to 6 of the aforesaid order, which reads as follows:

“3. The Committee has made several recommendations. For the present, we feel that the following recommendations should be implemented without any further lapse of time:

- (1) The punishment to be meted out has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents.
- (2) Every single incident of ragging where the victim or his parent/guardian or the Head of institution is not satisfied with the institutional arrangement for action, a first information report must be filed without exception by the institutional authorities with the local police authorities. Any failure on the part of the institutional authority or negligence or deliberate delay in lodging the FIR with the local police shall be construed to be an act of culpable negligence on the part of the institutional authority. If any victim of ragging or his parent/guardian intends to file an FIR directly with the police, that will not absolve the institutional authority from the requirement of filing the FIR.
- (3) Courts should make an effort to ensure that cases involving ragging are taken up on a priority basis to send the correct message that ragging is not only to be discouraged but also to be dealt with



sternness.

In addition, we direct that the possibility of introducing in the educational curriculum a subject relating to ragging shall be explored by the National Council of Educational Research and Training (NCERT) and the respective State Council of Educational Research and Training (SCERT). This aspect can be included in the teaching of the subject "Human Rights". In the prospectus to be issued for admission by educational institutions, it shall be clearly stipulated that in case the applicant for admission is found to have indulged in ragging in the past or if it is noticed later that he has indulged in ragging, admission may be refused or he shall be expelled from the educational institution.

4. The Central Government and the State Governments shall launch a programme giving wide publicity to the menace of ragging and the consequences which follow in case any student is detected to have been involved in ragging.

5. It shall be the collective responsibility of the authorities and functionaries of the institution concerned and their role shall also be open to scrutiny for the purpose of finding out whether they have taken effective steps for preventing ragging and in case of their failure, action can be taken; for example, denial of any grant-in-aid or assistance from the State Governments.

6. Anti-ragging committees and squads shall be forthwith formed by the institutions and it shall be the job of the committee or the squad, as the case may be, to see that the Committee's recommendations, more particularly those noted above, are observed without exception and if it



is noticed that there is any deviation, the same shall be forthwith brought to the notice of this Court. The Committee constituted pursuant to the order of this Court shall continue to monitor the functioning of the anti-ragging committees and the squads to be formed. They shall also monitor the implementation of the recommendations to which reference has been made above. Post these matters in September 2007 for further directions on the recommendations received from the Committee.”

University of Kerala v. Council of Principals of Colleges in Kerala⁴

22. The Supreme Court again gave directions to the Committee to submit further reports, and the Committee submitted the second and third reports. The Supreme Court held that ragging, in essence, is an abuse of human rights. Ragging often involves violence. The students are subjected to physical torture or psychologically terrorised. All human beings have the right to live a life of dignity, but when it is intentionally or recklessly damaged or departed then it is a violation of the human rights of the students.

22.1 Paragraphs 11 to 19 of the judgment have defined and

⁴ (2009) 15 SCC 301



described ragging as follows:

“11. Ragging in essence is a human rights' abuse. Ragging can be in various forms. It can be physical abuse or mental harassment. In present times shocking incidents of ragging have come to the notice. Sometimes violence is used. The student is physically tortured or psychologically terrorized. All human being should be free to claim, as a matter of right in the society in which they live, for life of dignity but when it is intentionally or recklessly damaged or departed then the person's human right is abused; in that sense ragging is the best example of human rights' abuse.

12. Everyman's Encyclopaedia (1938 Edition, Vol. II) and Random House Dictionary of the English Language (1967 Edition) have references about ragging. The synonyms of ragging as racking, ducking, teasing, etc. are mentioned in detail in these reference books. In England the credit/discredit goes to Duke of Exeter to introduce the practice of ragging. Racking was another form of ragging in which a special instrument called 'rack' was used to torture the victim. Gradually it mixed up with the term of ragging. Egyptian, Romans and Greeks were also not lagging behind. Some form or the other of ragging was found in their societies.

13. Ragging is not a new phenomenon. It existed even in older times. It was part of civilised societies. In ancient seats of learning, e.g., Berytus and Athens ragging was prevalent. In army schools of England ragging existed as a tradition. Later on this tradition took its root in medical and



engineering colleges. In English society ragging took the form of freshers being paraded on street which caused much annoyance not only to freshers but even to general public especially girls.

14. Ragging is a form of systematic and sustained physical, mental and sexual abuse of fresh students at the college/university/any other educational institution at the hands of senior students of the same institution and sometimes even by outsiders. Although some form of ragging is present in every educational institution but serious abuses of human rights take place generally in medical and engineering colleges and Armed Forces. The form and effect of ragging differ from institution to institution. It creates a sense of fear in the minds of first year students and they become apprehensive of unforeseen incidents which later comes true and culminates in actual form of action.

15. Ragging is "display of noisy, disorderly conduct and great high spirits considered by perpetrators (raggers) as excellent fun and by many outsiders as a bloody nuisance". Another meaning of ragging is "to question vigorously and jocularly, horseplay or assail roughly and noisily". Yet another definition of ragging refers to popular Spanish game of "Bull-Fight", wherein Bull is shown red 'rag' and a person shouts which infuriates the Bull in fighting.

16. As noted above "Ragging" means display of noisy, disorderly conduct or doing any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution and includes, (a) teasing, abusing of, playing practical jokes on, or causing hurt to, such



students; or

(b) asking the student to do any act or perform something which such student will not, in the ordinary course, willingly do.

17. "Ragging" means doing an act which causes or is likely to cause insult or annoyance or fear or apprehension or threat or intimidation or outraging of modesty or injury to a student.

18. "Ragging" means causing, inducing, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful act, by intimidating, wrongfully restraining, wrongfully confining, or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful restraint, wrongful confinement, injury or the use of criminal force.

19. The word "ragging" colloquially means to tease or play practical jokes on someone, specially on students who are the fresh entrants in the schools, colleges, Universities or any other educational institutions. In the beginning, it was a way of introduction of the first year students in the institutions which gradually has become not only serious problem but also a social stigma. While in the age of a child in cradle, it was a harmless practice by senior students over their juniors. Regarding the origin or initiative steps of the ragging, it can be traced back to the Seventh or Eighth Century A.D."



22.2 In paragraph 22 of the said judgment, it has been stated thus:

“Now ragging has acquired a new heinous meaning which indicates any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the student to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student.”

Regulations of the University Grants Commission on curbing the menace of Ragging.

23. The University Grants Commission has framed Regulations, laid down comprehensively, for curbing the menace of ragging in higher educational institutions. Punishments have been provided for the students found indulging in ragging activities in educational institutions. The consequences to the institutions that fail to take effective measures to curb ragging have also been provided in Clause 9



of the UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions 2009.

23.1 Clause 9 further provides that the Head of the Institution should take prompt and appropriate action against the persons whose dereliction of duty leads to the incident. Regulation 9 is extracted hereunder:

“9. Administrative action in the event of ragging. -

9.1 The institution shall punish a student found guilty of ragging after following the procedure and in the manner prescribed hereinunder:

- a) The Anti-Ragging Committee of the institution shall take an appropriate decision, in regard to punishment or otherwise, depending on the facts of each incident of ragging and nature and gravity of the incident of ragging established in the recommendations of the Anti-Ragging Squad.
- b) The Anti-Ragging Committee may, depending on the nature and gravity of the guilt established by the Anti-Ragging Squad, award, to those found guilty, one or more of the following punishments, namely:
 - i. Suspension from attending classes and academic privileges.
 - ii. Withholding/ withdrawing scholarship/ fellowship and other benefits.
 - iii. Debarring from appearing in any test/ examination or other evaluation process.



- iv. Withholding results.
- v. Debarring from representing the institution in any regional, national, or international meet, tournament, youth festival, etc.
- vi. Suspension/ expulsion from the hostel.
- vii. Cancellation of admission.
- viii. Rustication from the institution for period ranging from one to four semesters.
- ix. Expulsion from the institution and consequent debarring from admission to any other institution for a specified period.

Provided that where the persons committing or abetting the act of ragging are not identified, the institution shall resort to collective punishment.

c) An appeal against the order of punishment by the Anti-Ragging Committee shall lie,

- i. in case of an order of an institution, affiliated to or constituent part, of a University, to the Vice-Chancellor of the University;
- ii. in case of an order of a University, to its Chancellor.
- iii. in case of an institution of national importance created by an Act of Parliament, to the Chairman or Chancellor of the institution, as the case may be.

9.2 Where an institution, being constituent of, affiliated to, or recognized by a University, fails to comply with any of the provisions of these Regulations or fails to curb ragging effectively, such University may take any one or more of the following actions, namely;

- i. Withdrawal of affiliation/recognition or other privileges conferred.



ii. Prohibiting such institution from presenting any student or students then undergoing any programme of study therein for the award of any degree/diploma of the University.

Provided that where an institution is prohibited from students, the Commission shall make suitable arrangements for the other students so as to ensure that such students are able to pursue their academic studies.

iii. Withholding grants allocated to it by the university, if any

iv. Withholding any grants channellised through the university to the institution.

v. Any other appropriate penalty within the powers of the university.

9.3 Where in the opinion of the appointing authority, a lapse is attributable to any member of the faculty or staff of the institution, in the matter of reporting or taking prompt action to prevent an incident of ragging or who display an apathetic or insensitive attitude towards complaints of ragging, or who fail to take timely steps whether required under these Regulations or otherwise, to prevent an incident or incidents of ragging, then such authority shall initiate departmental disciplinary action, in accordance with the prescribed procedure of the institution, against such member of the faculty or staff.

Provided that where such lapse is attributable to the Head of the institution, the authority designated to appoint such Head shall take such departmental disciplinary action; and such action shall be without prejudice to any action that may be taken under the penal laws for abetment of ragging for failure to take timely steps in the prevention of ragging or punishing any student found guilty of ragging.



9.4 The Commission shall, in respect of any institution that fails to take adequate steps to prevent ragging, or fails to act in accordance with these Regulations or fails to punish perpetrators or incidents of ragging suitably, take one or more of the following measures, namely;

- i. Withdrawal of declaration of fitness to receive grants under section 12B of the Act.
- ii. Withholding any grant allocated.
- iii. Declaring the institution ineligible for consideration for any assistance under any of the general or special assistance the programmes of Commission.
- iv. Informing the general public, including potential candidates for admission. through displayed notice prominently in the or suitable media and posted on the website of the Commission, declaring that the institution does not possess the minimum academic standards.
- v. Taking such other action within its powers as it may deem fit and impose such other penalties as may be provided in the Act for such duration of time as the institution complies with the provisions of these Regulations.

Provided that the action taken under this clause by the Commission against any institution shall be shared with all Councils.”

Analysis:

24. Despite the recommendations of the Raghavan Committee Report, the Supreme Court directions, and the UGC Regulations, the



menace of ragging has not been able to be curbed. That resulted in the unfortunate incident wherein a young, promising student lost his life at the prime of his youth, 21 years. Unfortunately, despite the Three-member Committee finding the petitioners guilty of dereliction of duties, no effective action has been taken to date on mere technicalities.

24.1 The insensitivity of the University in taking effective action against the persons who have been found guilty of dereliction of duty in the Three-member Committee report, as well as the Vice Chancellor of the University, who has been found guilty in the Commission's report, leaves this Court in shock and disbelief.

24.2 The Chancellor's powers are defined in Section 9 of the Kerala Veterinary and Animal Sciences University Act 2010. The Chancellor has the authority to take action against the Vice Chancellor, has the power to have any matter investigated and exercises all the powers over any authority, being the highest authority of the University. Section 9 of the Kerala Veterinary and Animal Sciences University Act 2010 defines the



powers of the Chancellor, which are extracted hereunder:

“9. The Chancellor.—

(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The chancellor shall be the Head of the University and shall, when present, preside over the convocation of the University and may issue directions to the Vice Chancellor to convene the meeting of any authority of the University for specific purposes wherever necessary and the Vice Chancellor shall submit the minutes of such meeting to the Chancellor for perusal.

(3) No honorary degree shall be conferred by the University upon any person without the approval of the Chancellor.

(4) The Chancellor may call for such information and record relating to any affairs of the University and issue such directions thereupon as the Chancellor may deem fit in the interest of the University, and the authorities and officers of the University shall comply with such directions.

(5) The Chancellor may after taking report in writing from the ViceChancellor suspend or modify any resolution, order or proceedings of any authority, body, committee or officer, which in the opinion of the Chancellor is not in conformity with this Act, Statutes, Ordinances or Regulations or is not in the interest of the University and the University, authority, body, committee and officer shall comply with the same:

Provided that, before making any such order, the Chancellor shall call



upon the University, authority, body, committee or as the case may be, the Officer to show cause within the period specified, why such an order should not be made, and if any cause is shown, the Chancellor shall consider the same and wherever he deems it necessary, after consulting the Government, decide the action to be taken in the matter, and such decision shall be final.

(6) Where, in the opinion of the Chancellor, the conduct of any elected or nominated or appointed or co-opted member in the bodies of the University is detrimental to the smooth functioning of the University or any authority or body or committee, the Chancellor may, after giving such member an opportunity to offer explanation in writing and after considering such explanation, if any, and being satisfied that it is necessary so to do, suspend or disqualify such member for such period as the Chancellor may deem fit.

(7) (i) The Chancellor shall have the right to cause an inspection to be made by such person or persons or body of persons, as he may direct, of the University, its buildings, hospitals, libraries, museums, workshops and equipments of any college, institution or hostel maintained, administered or recognised by the University and of the teaching and other works conducted by or on behalf of the University or under its auspices and of the conduct of examinations or other functions of the University and to cause an inquiry to be made in like manner regarding any matter connected with the administration or finances of the University;

(ii) The Chancellor shall, in every case, give due notice to the University



of his intention to cause an inspection or inquiry to be made and University shall be entitled to appoint a representative, who shall have the right to be present and to be heard at the inspection or enquiry;

(iii) After an inspection or inquiry has been caused to be made, the Chancellor may address the Vice-Chancellor on the result of such inspection or inquiry and the Vice-Chancellor shall communicate to the Management Council or Board of Management, the views of the Chancellor and call upon the Management Council or Board of Management to communicate to the Chancellor through him its opinion thereon within such time as may have been specified by the Chancellor. If the Management Council or Board of Management communicates its opinion within the 'specified time limit, after taking into consideration that opinion or where the Management Council or Board of Management fails to communicate its opinion in time, after the specified time limit is over, the Chancellor may proceed and advise the Management Council or Board of Management upon the action to be taken by it, and fix a time limit for taking such action;

(iv) Management Council or Board of Management shall within such time limit as fixed, report to the Chancellor through the Vice-Chancellor the action which has been taken or is proposed to be taken on the advice tendered by him;

(v) The Chancellor may, where action has not been taken by the Management Council or Board of Management to his satisfaction within the time limit fixed and after considering any explanation furnished for representation made by the Management Council or Board of



Management, issue such direction as the Chancellor may think fit and the Management Council or Board of Management and other authority concerned shall comply with such directions;

(vi) Notwithstanding anything contained in the preceding clauses, if at any time the Chancellor is of the opinion that in any matter the affairs of the University are not managed in furtherance of the objectives of the University or in accordance with the provisions of this Act, Statutes and Regulations or that special measures are desirable to maintain the standard of University, teaching, examinations, research, administration or finances, the Chancellor may indicate to the Management Council or Board of Management through the Vice-Chancellor any matter in regard to which he desires an explanation and call upon Management Council or Board of Management to offer such explanation within such time as may be specified by him. If the Management Council or Board of Management fails to offer any explanation within the time specified or offers an explanation which in the opinion of the Chancellor, is not satisfactory, the Chancellor may issue such directions as appear to, him to be necessary, and the Management Council or Board of Management or any other authority concerned shall comply with such directions;

(vii) The Board of Management shall furnish such information relating to the administration and finances of the University as the Chancellor, may, from time to time, require.

(8) (i) The Chancellor shall when an emergency arises have the right to suspend or dismiss any of the authorities of the University and take measures for the interim administration of the University;



(ii) An appeal shall lie to the Chancellor against any order of dismissal passed by the Board of Management or the Vice-Chancellor against any person in the service of the University;

(iii) An appeal under the above clause shall be filed within thirty days from the date of serving the order of dismissal on the persons concerned;

(iv) The Chancellor shall before passing any order on an appeal as above, refer the matter for advice to a tribunal appointed by him for the purpose;

(9) The Chancellor shall have the power to remove the Vice-Chancellor from office by an order in writing on charges of misappropriation, misconduct, mismanagement of funds or any other good and sufficient reason:

Provided that before taking action under this sub-section such charges be proved by and inquiry conducted by a person who is or has been Judge of High Court or Supreme Court appointed by the Chancellor for the purpose:

Provided further that 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) The Chancellor shall exercise such other powers as may be conferred upon or vested in the Chancellor by or under this Act or Statutes.”

24.3 From the perusal of Section 9, it is evident that the Chancellor, being the Head of the University, is vested with wide-



ranging powers over the authorities of the University and the University itself. The Chancellor is empowered to issue directions to the Vice Chancellor to convene a meeting of any authority of the University for specific purposes whenever necessary, and the Vice Chancellor is duty-bound to submit the minutes of such a meeting to the Chancellor for perusal and further direction. The Chancellor is also empowered to call for such information and records relating to any affairs of the University and may issue such direction thereupon as may be required in the interest of the University. The authorities and officers of the University are duty-bound to comply with such directions. Not only this, the Chancellor may, after taking a report in writing from the Vice Chancellor, suspend or modify any resolution, order or proceedings of any authority, body, committee or officer, if in the opinion of the Chancellor such resolution, order or proceedings are not in conformity with the Act, Statutes, Ordinances or Regulations or not in the interest of the University. The University, Authority, Body, Committee or Officer



is duty-bound to comply with the same. The only rider is that before making such an order, the Chancellor should issue a notice of show cause. After receiving the reply, action can be taken, and that decision shall be final.

24.4 Sub-section (7) of Section 9 confers the powers on the Chancellor to cause an inspection by such person or persons or body of persons of the University, its buildings, hospitals, libraries, museums, workshops and equipment of any college, institution or hostel and may institute an inquiry to be made in any matter connected with the administration or finances of the University. After an inspection or inquiry, the Chancellor may address the Vice Chancellor on the result of such inspection or inquiry, and the Vice Chancellor is required to communicate to the Management Council or Board of Management the views of the Chancellor and call upon the Management Council or Board of Management to communicate to the Chancellor through him its opinion thereon within the time as may be specified by the Chancellor.



In the Management Council or the Board of Management communicates its opinion within the specified time limit, or where the Management Council or Board of Management fails to communicate its opinion in time, the Chancellor may proceed and advise the Management Council or Board of Management upon the action to be taken by it and fix a time limit for taking such action. The Management Council or Board of Management are duty-bound to report to the Chancellor through the Vice Chancellor the action which has been taken or is proposed to be taken on the advice tendered by the Chancellor. The chancellor may, where action has not been taken by the Management Council or Board of Management to his satisfaction within the time limit fixed. issue such directions as the Chancellor may think fit, and the Management Council or the Board of Management and other authorities concerned shall comply with such directions. The Chancellor shall have the power in an emergent situation to suspend or dismiss any authorities of the University and take measures for interim administration of the



University. The Chancellor has the power to remove the Vice Chancellor from the Office by an order in writing on charges of misappropriation, misconduct, mismanagement of funds or any other good and sufficient reason.

24.5 Thus, the Chancellor has very wide and overarching powers, including the power to direct the authorities to implement the directions, and the authorities of the University are duty-bound to comply with those directions. The Chancellor is also empowered to remove, suspend and dismiss any of the authorities of the University, including the Vice Chancellor. Even the Board of Management is obliged to carry out the directions of the Chancellor, and the action taken is to be reported to the Chancellor.

25. Thus, on the spacious grounds taken by the University based on the letter written by the Chancellor on 12.08.2024 for not proceeding against the petitioners is a ruse to cover up the misdeed, dereliction of duty and inaction of the petitioners, which have resulted in the tragic



incident of a young and promising student losing his life. The letter dated 12.08.2024 in Ext.P15 does not in any manner restrain the University from proceeding with the disciplinary proceedings against the petitioner. But it only calls for the report and the decision of the Board of Management, which the Board of Management is obliged and duty-bound to furnish to the Chancellor.

Conclusion:

26. This Court is of the view that the letter dated 12.08.2024 does not in any manner restrain the University from proceeding against the petitioners who have been *prima facie* found guilty by the Three-member Committee constituted by the Chairman on the incident as well as the Commission of Inquiry. The decision of the University to keep the disciplinary proceedings in abeyance on the spacious ground that the highest authority has intervened is absolutely incorrect, untenable and against the scheme of the University Act and the Statutes of the University.



26.1 The Board of Management has also wrongly construed the letter dated 24.09.2024 (Ext.P17) written by the Office of the Vice Chancellor, and such an interpretation placed on the provisions of the University Act and the powers of the Chancellor is contrary to the express provision itself. The Board of Management is obliged to implement the directions issued by the Chancellor. The University's decision, in its Board of Management meeting held on 24.09.2024 [Ext.P17], to reinstate the petitioners and transfer them to Thiruvazhamkunnu College of Avian Science and Management, despite them having been found guilty by a Three-member Committee, is unjustified, insensitive and against the directions issued by the Chancellor.

26.2 In view of the communication dated 27.09.2024 of the Office of His Excellency, Governor/Chancellor sent to the Vice Chancellor, the University is directed to proceed against the petitioners in departmental proceedings and finalise the same expeditiously in accordance with the



law, preferably within three months. The petitioners are directed to fully co-operate in the disciplinary proceedings.

26.3 The University must ensure appropriate action against the erring students who would have been found responsible for the incident in which Sidharthan J S, a second-year BVSc and AH course of the College, lost his life in the prime of his youth.

26.4 This Court is of the view that though the UGC Anti-ragging Regulations are stringent, they have not deterred the unruly behaviour and conduct of the students. The Regulations are not enough to curb the ragging activity in its entirety. The State, therefore, must frame a stringent law providing severe punishment for ragging activities in educational institutions to stop this menace so that no other student loses his/her life for the unruly, rowdy conduct by the undisciplined students. The State shall also make sure that the guilty found does not go unpunished.



With the aforesaid directions, the writ petitions stand disposed of.
All Interlocutory Applications as regards interim matters stand closed.

Sd/-

D. K. SINGH

JUDGE

jjj



APPENDIX OF WP(C) 35376/2024

PETITIONER EXHIBITS

- | | |
|------------|---|
| Exhibit P1 | THE TRUE COPY OF THE SUSPENSION ORDER DATED 5/3/2024 ISSUED BY THE 3RD RESPONDENT |
| Exhibit P2 | THE TRUE COPY OF THE PROCEEDINGS OF THE MEETING OF THE MANAGEMENT COUNCIL DATED 24/9/2024 |
| Exhibit P3 | THE TRUE COPY OF THE PROCEEDINGS OF THE ADDL. CHIEF SECRETARY TO THE GOVERNOR DATED 27/9/2024 |

RESPONDENT EXHIBITS

- | | |
|-------------|--|
| Exhibit R1A | True copy of the letter dated 12.8.2024 issued from the office of the 1st respondent to the 3rd respondent |
| Exhibit R1B | True copy of the letter dated 18.9.2024 issued to the petitioner in WP C No 33291 of 2024 |
| Exhibit R1C | A true copy of the interim order dated 23.9.2024 issued in W P C No 33291 of 2024 |



APPENDIX OF WP(C) 33291/2024

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE SHOW CAUSE NOTICE DATED 04/03/2024 ISSUED BY THE VICE CHANCELLOR, KVASU, SEEKING EXPLANATIONS FROM THE PETITIONER
Exhibit P2	A TRUE COPY OF THE LETTER DATED NIL SUBMITTED BY THE PETITIONER ON 04/03/2024 ITSELF, TO EXHIBIT P1 SHOW CAUSE NOTICE
Exhibit P3	A TRUE COPY OF THE ORDER NO. KVASU/GA/C3/1214/2024 DATED 05/03/2024 PASSED BY THE GENERAL ADMINISTRATION DEPARTMENT OF THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY
Exhibit P4	A TRUE COPY OF THE ORDER DATED 06/03/2024 OF THE GENERAL ADMINISTRATION DEPARTMENT OF THE KVASU CONSTITUTED AN ENQUIRY COMMITTEE PURPORTEDLY UNDER STATUTES 215 TO 229 OF THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY STATUTES, 2014
Exhibit P5	A TRUE COPY OF PROCEEDINGS NO. KVASU/GA/C3/1214/2024(2) DATED 02/04/2024 OF THE VICE CHANCELLOR OF KVASU APPROVING THE TERMS OF REFERENCE FOR THE ENQUIRY COMMITTEE
Exhibit P6	A TRUE COPY OF THE ENQUIRY MEMO DATED 02/04/2024 ISSUED BY THE CHAIRPERSON OF THE ENQUIRY COMMITTEE
Exhibit P7	A TRUE COPY OF THE DETAILED REPLY SUBMITTED BY THE PETITIONER DATED 16/04/2024 IN ANSWER TO EXHIBIT P6 ENQUIRY MEMO
Exhibit P8	A TRUE COPY OF THE NOTICE DATED 25/06/2024 INFORMING THE PETITIONER ABOUT THE SUBMISSION OF REPORT BY THE INQUIRY COMMITTEE AND CALLING UPON THE PETITIONER TO SUBMIT HIS REPLY AGAINST IMPOSITION OF MAJORY PENALTIES AS PROVIDED UNDER STATUTE 226
Exhibit P9	. A TRUE COPY OF THE REPORT OF ENQUIRY SUBMITTED BY THE ENQUIRY COMMITTEE TO THE VICE CHANCELLOR OF KVASU DATED NIL
Exhibit P10	A TRUE COPY OF THE STATEMENT OF CHARGES ISSUED BY THE REGISTRAR TO THE PETITIONER DATED 25/06/2024
Exhibit P11	A TRUE COPY OF THE STATEMENT OF DEFENSE IN RESPONSE TO EXHIBIT P8 SUBMITTED BY THE PETITIONER DATED 25/07/2024
Exhibit P12	A TRUE COPY OF THE ORDER DATED 27/08/2024 ISSUED BY THE REGISTRAR, KVASU
Exhibit P13	A TRUE COPY OF THE PROCEEDINGS DATED 04/09/2024 ADJOURNING THE PROCEEDINGS SCHEDULED ON 05/09/2024
Exhibit P14	A TRUE COPY OF THE REPORT OF THE COMMISSION OF INQUIRY DATED



- 05/07/2024 BY JUSTICE A HARIPRASAD OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT ON 14/08/2024
- Exhibit P15 A TRUE COPY OF THE LETTER DATED 12/08/2024 ISSUED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVERNOR TO THE VICE CHANCELLOR OF THE KVASU
- Exhibit P16 A TRUE COPY OF THE LETTER DATED 18/09/2024 ISSUED BY THE REGISTRAR, KVASU
- Exhibit P17 A TRUE COPY OF THE MINUTES OF THE MEETING OF THE MANAGEMENT COUNCIL OF THE KVASU UNIVERSITY HELD ON 24/09/2024
- Exhibit P18 A TRUE COPY OF THE LETTER DATED 27/09/2024 ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT