

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WA.No. 574 of 2015

AGAINST THE JUDGMENT IN W.P.(C).NO.29104/2011-K, DATED 30-01-2015

APPELLANT(S)/7TH RESPONDENT IN THE W.P(C) :

**VINOD.B.S
'RESMI', KARICODE, T.K.M.COLLEGE P.O.,
KOLLAM -691 005.**

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT(S)/PETITIONER & OTHER RESPONDENTS IN THE W.P(C) :

- 1. CHIKKU.A.M,
D/O.MADHUSOODANAN, THEJUS, VP 1/42,
N.P.P.NAGAR, PEROORKKADA,
THIRUVANANTHAPURAM - 695 005.**
- 2. STATE OF KERALA,
REP. BY ITS SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM - 695 001.**
- 4. THE SREE NARAYANA TRUST,
REP. BY ITS SECRETARY, POST BOX NO.63
KOLLAM - 691 001.**
- 5. THE MANAGER,
SREE NARAYANA COLLEGE, KOLLAM - 691 001.**
- 6. THE PRINCIPAL,
SREE NARAYANA COLLEGE, KOLLAM - 691 001.**
- 7. THE PRINCIPAL,
SREE NARAYANA COLLEGE FOR WOMEN, KOLLAM - 691 001**

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**8. VISHNU S.L.,
PALAZHI PUTHEN VEEDU, MADAVOOR,
PALLICKAL P.O, THIRUVANANTHAPURAM - 690 503.**

**9. UNIVERSITY OF KERALA,
REP. BY ITS REGISTRAR, UNIVERSITY BUILDINGS,
THIRUVANANTHAPURAM - 695 001.**

**10. VICE CHANCELLOR,
THE UNIVERSITY OF KERALA, UNIVERSITY BUILDINGS,
THIRUVANANTHAPURAM - 695 001.**

**R1 BY ADV. SRI.D.KISHORE
R2 & R3 BY SR.GOVERNMENT PLEADER SRI.ABOOBACKER
R4 TO R7 SRI.A.N.RAJAN BABU
R8 BY ADV. SRI.P.C.SASIDHARAN
R9 & R10 BY ADV. SRI.BECHU KURIAN THOMAS, S.C**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-06-2015,
ALONG WITH W.A.NO.576 OF 2015 AND CONNECTED CASES,
THE COURT ON 01-10-2015 DELIVERED THE FOLLOWING:**

Msd.

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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W.A.Nos.576, 584, 574, 714, 717

& 835 of 2015

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Dated this the 1st day of October, 2015

J U D G M E N T

ALEXANDER THOMAS, J.

W.A.No. 576/2015 [arising out of W.P.(C).No. 29146/2011]

The above captioned Writ Appeals arise out of the impugned common judgment dated 30.1.2015 of the learned Single Judge in W.P.(C).Nos.29146/2011, 29104/2011 & 634/2014. The exhibits referred to herein are in relation to those produced in W.P.(C).No. 29146/2011, unless otherwise specifically mentioned. The matter essentially relates to the disputes that have arisen between the petitioner in W.P.(C).No.29146/2011 (who is also the contesting respondent in concerned W.P.(C).No.29014/2011 and W.P.(C).No. 634/2014) and contesting respondent No.5 in W.P.(C).No. 29146/2011 (who is also the petitioner in W.P.(C).Nos.29104/2011) and 634/2011) in the matter of appointment to the post of Lecturer/ Asst. Professor in Bio Chemistry in the colleges under the corporate management of the Sree Narayana College Trust, notified as per

Ext.P-1 advertisement dated 23.5.2010.

2. Four posts in the category of Lecturer/Asst. Professor in Bio Chemistry have been so notified. The petitioner in W.P.(C). No.29146/2011 was selected and appointed to one such post as per Ext.P-6 dated 23.12.2010. A rank list was published in this selection process and the following six persons were found eligible and listed therein accordingly:- (1) Ambili.S., (2) Remya.A.S, (3) Vinod.B.S. [the petitioner in W.P.(C).No. 29146/2011], (4) Vishnu.S.L., (5) Chikku.A.M. [the petitioner in W.P.(C).No. 29104/11 and 634/2014] and (6) Deepa.D. The contesting respondent No.5 (Chicku.A.M) submitted objections before the respondent Kerala University against the proposal submitted by the college management before the University for the approval for the appointment of the petitioner and earlier she had also filed W.P.(C). No.91419/2011 before this Court aggrieved by the denial of appointment as Lecturer in Bio Chemistry. This Court, at the admission stage, without issuing notice to R-7 therein [Vinod.B., who is the petitioner in W.P.(C).No. 29146/2011] had disposed of W.P.(C).No.91419/2011 as per Ext.P-7 judgment dated 22.7.2011 by directing that before any decision is taken for approving the

impugned appointment, the objection of the petitioner therein (Chicku.A.M) will also be considered and that personal hearing will also be offered to her, the appointee and the management and to take decision thereon and it was made clear that all legal questions raised by the petitioner therein are left open. Consequently, the Vice Chancellor passed the impugned Ext.P-10 proceedings dated 29.9.2011 holding that since the petitioner in W.P.(C).No.29146/2011 (Vinod.B.S.) was holding M.Sc. Degree in Medical Bio Chemistry from the Mahatma Gandhi University, which is not recognized by Kerala University, he is not eligible for appointment to the post of Lecturer in Bio Chemistry and that accordingly, the Vice Chancellor has ordered to reject the proposal for approval of the initial appointment in respect of Sri.Vinod.B.S. as Lecturer in Bio Chemistry in S.N. College and to direct the management to consider the contesting respondent herein (Chicku.A.M.) for the said post as she is the next rank holder to be appointed from the open merit list published. In pursuance of the impugned Ext.P-10, consequential proceedings, as per Ext.P-11 dated 15.10.2011, were also issued by the Registrar conveying to the Manager of the S.M.Trust, Kollam about the said decision taken in the impugned Ext.P-10

proceedings rendered by the Vice Chancellor. Aggrieved by the impugned Exts.P-10 and P-11 proceedings, Sri.Vinod.B.S. filed W.P.(C).No. 29146/2011 before this Court praying for orders to quash the impugned Exts.P-10 and P-11 proceedings and for mandamus to direct official respondents 1 and 2 to treat the petitioner fully qualified for appointment as Assistant Professor of Bio Chemistry and to approve his appointment, etc.

3. The contesting respondent, Chicku.A.M. had also filed W.P.(C).No.29104/2011 for direction to respondent the Sree Narayana Trust and the Manager of the Sree Narayana College, Kollam, to implement Ext.P-15 proceedings therein dated 29.11.2011 [which is the impugned Ext.P-10 proceedings in W.P.(C). No.29146/2011 rendered by the Vice Chancellor] and to take immediate steps to appoint the petitioner therein as Lecturer in Bio Chemistry and for incidental reliefs. So also, the contesting respondent Chicku.A.M. had filed W.P.(C).No. 634/2014 before this Court praying for direction to quash the impugned Ext.P-8 proceedings dated 11.10.2013 therein issued by the Board of Studies in Bio Chemistry of the respondent Kerala University, whereby the said Body had taken decision to recommend the

recognition of the Master's Degree in Medical Bio Chemistry of Mahatma Gandhi University for the approval of the appointment to the post of Assistant Professor in Bio Chemistry at S.N.College Kollam for Sri.Vinod.B.S and for mandamus to direct official respondents 1 and 2 therein to consider and pass orders on Ext.P-9 representation and for other incidental reliefs.

4. The learned Single Judge, by the impugned common judgment dated 30.1.2015, had disposed of all the aforementioned three Writ Petitions, viz., W.P.(C).Nos.29104/2011, 29146/2011 and 634/ 2014, by holding that the decision of the Academic Council of the respondent Kerala University as per Ext.P-18 proceedings dated 11.6.2014 [produced in W.P.(C).No.29146/2011] recognizing the Master's Degree in Medical Bio Chemistry (Regular) awarded by the Mahatma Gandhi University as a sufficient qualification for appointment to the post of Assistant Professor in Bio Chemistry in affiliated colleges and departments in the University of Kerala, can only come to the aid of the applicants applying for that post after 11.6.2014 and that the above prescription as per aforesaid Ext.P-18 dated 11.6.2014 itself would indicate that the respondent University has not prescribed the said Master of Applied Science

Degree in Bio Chemistry awarded by the Mahatma Gandhi University as a sufficient qualification as on 23.5.2010 (the date of Ext.P-1 selection notification). Therefore, it was held that the petitioner in W.P.(C).No.29146/2011 (Vinod.B.S.) cannot be considered for selection to the said post of Lecturer in Bio Chemistry advertised by the Sree Narayana Trust as he is not qualified to apply for the post at the relevant time. Accordingly, it was ordered that W.P.(C).No. 29146/2011 filed by Vinod.B.S. stands dismissed and that W.P.(C). Nos. 29104/2011 and 634/2014 filed by Chicku.A.M. are allowed. It was also ordered that since there are no other better claimants than Chicku.A.M., she has to be appointed by the management and consequently a direction was issued in the impugned judgment directing the said college management to appoint Chicku.A.M. as Lecturer in Bio Chemistry, etc.

5. Aggrieved by the aforestated common judgment, Sri.Vinod.B.S. has filed W.A.No.576/2015 [arising out of W.P.(C).No. 29146/2011], W.A.No.574/2015 [arising out of W.P.(C).No.29104/2011] and W.A.No.584/2014 [arising out of W.P.(C).No.634/2014]. So also, the Sree Narayana College authorities concerned has filed W.A.No.835/2015 [arising out of W.P.(C).No. 29146/2011], W.A.No.

714/2015 [arising out of W.P.(C).No.29104/ 2011] and W.A.No. 717/2015 [arising out of W.P.(C).No. 634/14].

6. Heard.

7. The selection to the post of Lecturer/Asst. Professor in Bio Chemistry in the colleges under the corporate management of the Sree Narayana Trust was advertised as per Ext.P-1 dated 23.5.2010 and the last date for receipt of the application in that regard was 22.6.2010. The qualifications for the post of Lecturer/ Asst. Professor in various disciplines as Arts, Humanities, Sciences, Social Science, etc, have been prescribed as per Ext.P-2 Regulations, 2010 of the University Grants Commission (UGC), which read as follows:

4.4.1. Arts, Humanities, Sciences, Social Sciences, Commerce, Education, Languages, Law, Journalism and Mass Communication.

- i. Good academic record as defined by the concerned university with at least 55% marks (or an equivalent grade in a point scale wherever grading system is followed) at the Master's Degree level, in a relevant subject from an Indian University, or an equivalent degree from an accredited foreign University.
- ii. Besides fulfilling the above qualifications, the candidate must have cleared the National Eligibility Test (NET) conducted by the UGC, CSIR or similar test accredited by the UGC like SLET/SET.
- iii. Notwithstanding anything contained in sub-clauses (i) and (ii) to this Clause 4.4.1. candidates, who are, or have been awarded a Ph.D. Degree in accordance with the

University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. Degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET/SET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions.

- iv. NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted.”

(Emphasis added)

8. The qualifications prescribed for the post of Lecturer in the Regulations of the Kerala University relating to the qualifications of Lecturers framed as per the provisions of the Kerala University Act, for the post of Lecturer in Arts, Sciences and Social Sciences, Applied Sciences, etc. read as follows:

“4. Lecturers.

A. Arts, Sciences, Social Sciences, Applied sciences, (Computer Application/Computer Science and Electronic Science), Commerce, Education, Physical Education, Foreign Languages and Law:

Good academic record with at least 55% marks or an equivalent grade at Masters degree level in the relevant subject from an Indian University or an equivalent degree from a foreign University.

B..... ..

Note: 1.Candidates for the post of Lecturers under 4 A & B besides fulfilling the above qualifications should have cleared the eligibility test for Lecturers conducted by the U.G.C., C.S.I.R. or similar test accredited by the U.G.C.

xxx xxx xxx xxx xxx
xxx xxx xxx xxx xxx”

9. It is common ground that the above said regulations of the Kerala University are applicable as far as the appointments to

the post of private aided colleges like the respondent S.N. College, affiliated to that University.

10. There is a slight difference in the language employed in the statutory special rules framed by the Government of Kerala under the enabling provisions of the Kerala Public Service Act in relation to the prescription of qualifications for appointment to the post of Lecturer in Government colleges are concerned and the said provisions contained in the Kerala Collegiate Education Service Special Rules, 1994, provide as follows:

- “1. Master's Degree in the concerned subject with atleast 55% marks or its equivalent and good academic record.
2. Must have passed a comprehensive test specifically conducted for the purpose by U.G.C. or any agency duly constituted by the State Government in this behalf. When qualifications being equal preference shall be given to candidates who possess adequate knowledge in Malayalam.”

11. It can thus be seen that the qualification prescribed in the UGC Regulations as well as in the Kerala University Regulations for the said post is that the Master's degree should be in the relevant subject from an Indian University or an equivalent degree from an accredited foreign University, whereas the prescription made in the Kerala Government Collegiate Education Service Special Rules is that the Master's Degree should be in the subject concerned

along with the requisite percentage of marks or its equivalent, etc.

12. Advertence to some of the pertinent provisions in the Kerala University Act and the Statutes framed thereunder may be apposite in this context. Sec.23(xviii) provides that the Syndicate shall have the power to approve the appointment of teachers in private colleges. Statute 3(xvii) under Chapter VI of the Kerala University First Statute, 1977 (framed under the enabling provisions of the Kerala University Act) provides that the Syndicate shall have the power to approve the appointment of teachers as qualified to give instructions or to supervise or control research, and to withdraw such approval, subject to the regulations framed by the Academic Council. The aforesaid regulations framed under the enabling under the Kerala University Act, inter alia, provides as per Regulation No.2 under Part I thereof, that all appointments made to teaching posts in colleges affiliated to University of Kerala shall in respect of qualifications be in conformity with those regulations and shall be subject to the approval of the Syndicate, etc. Sec.57 deals with the appointment of teachers in private colleges and the sub sec.9 of Sec.57 expressly mandates that every appointment under that Section shall be reported to the University for approval. Sec.58

(1) provides that the teachers of the college shall possess such qualifications as may be prescribed by the Regulations. Clause (c) of Sec.38 provides that subject to the provisions of the Act, Statutes and the Ordinances, the Academic Council may make regulations providing for the qualifications of teachers. Sec.25(ii), inter alia, provides that subject to the provisions of the Act and the Statutes, the Academic Council shall have the power to make regulations and to amend or repeal the same. Clause (iv) of Sec.25 further provides that the Academic Council shall have the power as per that Section to prescribe qualifications of teachers in colleges and in institutions maintained by the University. Clause (xii) of Sec.25 further provides that the Academic Council shall have the power to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examination of the University. Sec.28(1) of the Kerala University Act dealing with Board of Studies provides that there shall be a Board of Studies attached to each Department of Study in the University with the proviso that the Post Graduate studies in each Department may have separate Board of Studies. Sub Sec.(2) of Sec.28 further provides that the constitution and powers

of the Boards of Studies shall be prescribed by the Statutes. Statute 9(1) under Chapter 11 of the Kerala University First Statutes 1977 dealing with the duties of the Board of Studies provides that it shall be duty of each Board of Studies to consider and report on any matter referred to it by the Academic Council or Syndicate or the Senate or the Faculty or the Vice Chancellor concerned with the subject with which it deals.

13. From a reading of the relevant provisions in the Kerala University Act and, the Statutes and the Regulations framed thereunder, it is abundantly clear that the authority vested with the power to take a decision in the matter of grant or rejection of approval of appointment in a affiliated college is with the Syndicate. In the instant case, it can be seen from a mere reading of the impugned Ext.P-10 proceedings dated 29.9.2011 that the said decision therein to reject the proposal for approval of the impugned appointment of the petitioner as a Lecturer in Bio Chemistry in S.N. College, Kollam has been rendered by the Vice Chancellor. This Court in Ext.P-7 judgment dated 22.7.2011 had not issued any direction that the decision in the matter of approval or rejection of approval of the appointment in question should be taken by the

Vice Chancellor. On the other hand, this Court has very carefully worded its direction in Ext.P-7 judgment as follows in para 6 of the judgment:

“6. Since the issue will have to be considered by the University itself before granting approval, it is only proper that the petitioner is relegated to the remedy of approaching the University. Herein, the petitioner has already filed a representation as per Ext.P8. Therefore, before any decision is taken for approving the appointment, the objection of the petitioner will be considered and a personal hearing will also be offered to the petitioner, appointee and the Management. Appropriate decision will be taken within a period of two months from the date of receipt of a copy of this judgement. All the legal questions raised by the petitioner are left open.....”

Therefore, it is very clear from a bare reading of the directions issued by this Court in Ext.P-7 judgment that this Court has only directed that the competent authority of the University shall take an appropriate decision on the objections placed by the aggrieved candidate, before any decision is taken in the matter of approval of the impugned appointment, etc. It is crystal clear from the materials on record that, till date the competent authority of the University vested with the power to take a decision in the matter of grant or rejection of approval of an appointment has never taken any decision on the issue as to whether approval of the appointment of the petitioner herein has to be granted or declined. The authority, which is vested with the power to grant approval of an appointment is also the authority, which is vested with the power to decline or

reject approval thereto. Therefore, for effective compliance of the directions issued in Ext.P-7 judgment, the matter relating to the proposal submitted by the college for approval of the impugned appointment as well as the objections thereto submitted by the contesting respondent herein should have been placed before the competent authority, viz., Syndicate, to decide, whether the approval of the impugned appointment is to be granted or declined. This has not been done in the instant case and on the other hand, the Vice Chancellor has proceeded to decide the matter himself and has taken a decision to reject the proposal for approval of the appointment submitted by the college management. This evidently is wrong and the matter should have been placed for consideration before the Syndicate to enable it to render a decision on the merits of the matter and in accordance with law. The official respondents have no case that after the Vice Chancellor had rendered the decision as per Ext.P-10 proceedings, the matter was subsequently placed before the Syndicate for its ratification or appropriate decision thereon. Therefore, evidently, the impugned Ext.P-10 proceedings as well as its consequential proceedings at the impugned Ext.P-11 are vitiated by lack of jurisdiction, as the

essential and primary decision has not been taken by the competent authority concerned, viz., the Syndicate. So the impugned proceedings at Exts.P-10 and P-11 are liable to be quashed and the matter relating to the proposal submitted by the college for the approval of the impugned appointment of the petitioner and the objections thereto submitted by the contesting respondent herein is liable to be remitted to the competent authority for decision afresh after consideration of the merits of the matter and in accordance with law.

14. There is yet another aspect of the matter, which also warrants our consideration. The crucial prescription made in the UGC Regulations as well as in the Kerala University Regulations is that the Master's degree of the candidate concerned should be in the relevant subject from an Indian University with the prescribed percentage of marks. Ext.P-13 proceedings dated 12.2.1999 issued by the respondent Kerala University state that sanction has been granted by the Vice Chancellor, subject to the ratification by the Academic Council, to the M.Sc.(Medical Bio Chemistry) degree awarded by the Pondichery University, being recognized for the purpose of appointment, etc. Ext.P-8 proceedings dated

11.10.2013 of the Board of Studies in Bio Chemistry of the University of Kerala [produced in W.P.(C).No.634/2014], in deviance from its earlier recommendation made on 28.9.2011, inter alia, states that it is recommended therein for recognition of the Master of Applied Science Degree in Medical Bio Chemistry of the Mahatma Gandhi University for approval of the appointment to the post of Assistant Professor in Bio Chemistry at S.N.College, Kollam, etc. It appears that it is on the basis of this Ext.P-8 proceedings dated 11.10.2013 of the Board of Studies that the Academic Council has issued Ext.P-18 proceedings dated 11.6.2014 [produced in W.P.(C). No.29146/2011], wherein it is stated that the Academic Council of the Kerala University in its meeting held on 6th and 9th of May, 2014, has resolved that the Master of Applied Science Degree in Medical Bio Chemistry (Regular), Mahatma Gandhi University, be recognized as sufficient qualification for employment to the post of Assistant Professor of Bio Chemistry in affiliated colleges and Departments in the University of Kerala. Consequently, Ext.P-19 dated 18.6.2014 issued by the respondent University of Kerala states that the said Master of Applied Science Degree in Medical Bio Chemistry (Regular) of the Mahatma Gandhi University is recognized by the University of Kerala

as sufficient qualification for employment to the post of Assistant Professor in Bio Chemistry in the affiliated colleges and Departments in the University of Kerala. From a reading of these proceedings it can be seen that none of these proceedings of the respondent Kerala University refers to a pointed and precise consideration of the crucial issue as to whether or not the qualification of Master's Degree in Medical Bio Chemistry possessed by the petitioner herein is a Master's degree in the relevant subject as envisaged in the Kerala University Regulations for appointment to the post of Lecturer in Bio Chemistry. Going by the precise prescription in the Kerala University Regulations, the Master's Degree should be in the relevant subject from an Indian University and the question of equivalency will arise only if the qualification claimed by the candidate is from a foreign University.

15. The learned counsel for the petitioner/appellant herein has submitted that the field of Medical Bio Chemistry comes within the broad discipline of Bio Chemistry and that Medical Bio Chemistry is an integral part and parcel of Bio Chemistry. Further, it is urged that the competent expert body can easily ascertain and form a precise opinion that the qualification of Master's degree in Medical Bio Chemistry is a Master's degree in the relevant subject, as understood in the University Regulations in the matter of

appointment to the post of Lecturer in Bio Chemistry. In this regard, it is only to be observed that the issue as to whether the claimed Master's Degree qualification from an Indian University is in the relevant subject, is a matter which has to be determined by the expert competent body in the respondent University and so this Court need not labour to make any determination on such academic issues. The learned counsel for the petitioner/appellant herein would also further submit that if the Master's Degree awarded by an Indian University is found by the competent authority to be in the relevant subject and if the said qualification has been fully acquired by the candidate on or before the last date of submission of the application, then he/she is qualified for the selection process in question. And further that as per the University Regulations, the issue as to the equivalency, arises only in a case where the claimed Master's degree is one awarded by a foreign University. We would only hold that all those aspects of the matter are to be determined by the competent bodies of the University. As the essential and primary matter regarding the question of approval of appointment has not yet been considered by the competent authority till date, it is not proper for this Court to exercise powers of judicial review on

those aspects of the matter, in the facts and circumstances of this case.

16. The power to decide on the issue of equivalency of University qualifications appears to be vested with the Academic Council as per Sec.25 (xii) of the Act. But in the instant case, the claim of the petitioner is not that his qualification is equivalent to the prescribed qualification, but that his qualification of Master's Degree is in the relevant subject, in terms of the provisions of the statutory regulations, etc. The authority competent to decide on the issue of approval of appointment is the Syndicate. Going by the provisions of the Act and the Statutes it shall be the duty of the Board of Studies to consider and report on any matter referred to it by the Syndicate, etc. Therefore, as far as the discipline of Bio Chemistry is concerned, the Board of Studies in Bio Chemistry, as the subject expert body, could competently assist the Syndicate in this decision making process. Therefore, it is ordered that initially the Board of Studies in Bio Chemistry should consider the matter afresh, untrammelled and uninfluenced by any of the proceedings earlier issued by the University authorities pertaining to this case and should ascertain as to whether or not the qualification of

Master's Degree in Medical Bio Chemistry awarded by the Mahatma Gandhi University, which is possessed by the petitioner herein, is a Master's Degree in the relevant subject as contemplated in the statutory Regulations of the University, for appointment to the post of Lecturer in Bio Chemistry in affiliated colleges. Thereafter, it is for the Syndicate to examine the matter afresh in its entirety and to decide the question as to whether the approval of the impugned appointment of the petitioner/appellant herein is to be granted or declined. It is made clear that except on the aforestated aspects decided in this appeal, no other issues have been decided in this appeal.

17. For the aforestated reasons, it is ordered as hereunder:-

- (i) The impugned Ext.P-10 proceedings dated 29.9.2011 and the consequential impugned Ext.P-11 proceedings dated 15.10.2011 are quashed and the matter relating to the proposal for approval of the appointment of the petitioner herein and the objections thereto submitted by contesting respondent No.5 herein stands remitted to the competent authority of the University for decision afresh, in accordance with law.
- (ii) The Board of Studies in Bio Chemistry will consider the matter afresh untrammelled and uninfluenced by any of the proceedings earlier issued by the University authorities

pertaining to this case and ascertain and tender an expert opinion on the pointed and crucial issue as to whether or not the qualification of Master of Applied Science Degree in Medical Bio Chemistry awarded by the Mahatma Gandhi University possessed by the petitioner herein is a Master's Degree in the relevant subject as contemplated in the aforestated provisions of the statutory regulations of the Kerala University for appointment to the post of Lecturer in Bio Chemistry in affiliated colleges.

- (iii) After the abovesaid process is over, the Syndicate will consider the matter in its entirety and shall take a decision on the issue as to whether the approval of the appointment of the petitioner herein is to be granted or declined.

18. The affected parties like the petitioner/appellant herein (Vinod.B.S.), contesting respondent No.5 herein (Chicku.A.M), etc. may be permitted to place their written submissions in the matter, for the consideration by the University authorities. The parties concerned may accordingly submit their written submissions on the aforestated aspects or on any other issues that are relevant for the decision to be taken on the question of approval of the impugned appointment within two weeks and forward the same to the Registrar of the University along with the certified copy of this judgment. The Registrar of the University will ensure that the

written submissions of the parties are placed before the Board of Studies and the Syndicate, for taking due note of such submissions. The opinion of the Board of Studies in Bio Chemistry, as directed above, shall be tendered by that body to the Syndicate within three weeks from the date of production of the certified copy this judgment along with written submissions of the parties. Within one month thereafter, the Syndicate shall take the decision in the matter, as directed above. In this process, the Syndicate will also consider the respective written submissions of the respective parties concerned and all relevant aspects relating to the issue regarding the approval of the impugned appointment shall be duly considered by the Syndicate.

19. In the light of the aforestated directions, we set aside the impugned judgment in the Writ Petition and with these observations and directions, the Writ Petition (Civil) and the Writ Appeal stand finally disposed of.

W.A.Nos.584, 574, 714, 717 & 835 of 2015:

The directions issued in the judgment rendered by us in W.A.No.576/2015 will govern these appeals also. It is made clear

that except the matters decided in W.A.No. 576/2015, no other issues have been decided in these appeals. Accordingly, the impugned judgments in the Writ Petitions stand set aside and the respective Writ Petitions (Civil) and the Writ Appeals stand accordingly, finally disposed of.

Sd/-
ANTONY DOMINIC, JUDGE

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Sd/-
ALEXANDER THOMAS, JUDGE

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P.S. to Judge