

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C) .No. 10254 of 2014 (F)

PETITIONER(S) :

1. MOUNT ZION COLLEGE OF ENGINEERING,
KADAMMANITTA, PATHANAMTHITTA DISTRICT-689 649,
REPRESENTED BY ITS PRINCIPAL - DR.G.PAVITHRAN.
2. M.YOGESH,
STAFF ASSOCIATION SECRETARY
MOUNT ZION COLLEGE OF ENGINEERING, KADAMMANITTA.P.O.,
PATHANAMTHITTA DISTRICT.
3. JOSEPH ABRAHAM,
VICE CHAIRMAN,
THE CHARITABLE EDUCATIONAL & WELFARE SOCIETY,
KADAMMANITTA.P.O., PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.V.PHILIP MATHEW
SRI.GIBI.C.GEORGE.

RESPONDENT(S) :

1. MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS, KOTTAYAM-686 560,
REPRESENTED BY ITS REGISTRAR.
2. THE VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
KOTTAYAM-686 560.
3. THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
KOTTAYAM-686 560.
4. SECRETARY,
STUDENTS FEDERATION OF INDIA(SFI),
MOUNT ZION COLLEGE OF ENGINEERING, KADAMMANITTA,
PATHANAMTHITTA DISTRICT-689 649.

5. SECRETARY,
KERALA STUDENTS UNION (KSU) ,
MOUNT ZION COLLEGE OF ENGINEERING, KADAMMANITTA,
PATHANAMTHITTA DISTRICT-689 649.
6. SECRETARY,
AKHILA BHARATHIYA VIDYARTHI PARISHAT (ABVP) ,
MOUNT ZION COLLEGE OF ENGINEERING, KADAMMANITTA,
PATHANAMTHITTA DISTRICT-689 649.
7. SECRETARY,
CAMPUS FRONT, MOUNT ZION COLLEGE OF ENGINEERING,
KADAMMANITTA, PATHANAMTHITTA DISTRICT-689 649. ,
8. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
9. DISTRICT POLICE CHIEF,
PATHANAMTHITTA-689 649.
- 10 SUB INSPECTOR OF POLICE,
ARANMULA POLICE STATION, ARANMULA,
PATHANAMTHITTA DISTRICT-689 533.

R1-R3 BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY,
BY GOVERNMENT PLEADER SRI. R. RENJITH &
BY DR.P.LEELAKRISHNAN, SC, M.G.UNIVERSITY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- COPY OF THE NOTICE DATED 23.02.2012 ISSUED BY THE PRINCIPAL OF PETITIONER COLLEGE.
- EXT. P2- COPY OF THE SUSPENSION ORDER/OFFICE ORDER DATED 26.03.2012.
- EXT. P3- COPY OF THE SUSPENSION ORDER/OFFICE ORDER DATED 27.03.2012.
- EXT. P4- COPY OF THE JUDGMENT DATED 11.04.2012 PASSED BY THIS HON'BLE COURT IN WP[C]NO.8339/2012.
- EXT. P5- COPY OF THE REPRESENTATION DATED 23.02.2012 SENT BY THE PETITIONER TO THIS HON'BLE COURT.
- EXT. P6- COPY OF THE REPRESENTATION DATED 24.08.2012 SENT BY THE PETITIONER TO THE HONOURABLE CHIEF JUSTICE OF KERALA.
- EXT. P7- COPY OF THE REPRESENTATION DATED 07.09.2012 SENT BY THE PETITIONER TO THE HONOURABLE CHIEF JUSTICE OF KERALA.
- EXT. P8- COPY OF THE THREE PHOTOGRAPHS SHOWING THE BROKEN GLASSES OF THE COLLEGE BUILDINGS.
- EXT. P9- COPY OF THE NOTICE DATED 04.02.2013 ISSUED BY THE PRINCIPAL OF THE COLLEGE.
- EXT. P10- COPY OF THE NOTICE DATED 29.08.2013 ISSUED BY THE PRINCIPAL OF THE COLLEGE.
- EXT. P11- COPY OF THE NOTICE DATED 3.09.2013 ISSUED BY THE UNIT SECRETARY OF SFI TO THE PRINCIPAL.
- EXT. P12- COPY OF THE FIR NO.1230/2013 OF ARANMULA POLICE STATION.
- EXT. P13- COPY OF THE OFFICE ORDER/SUSPENSION ORDER DATED 10.09.13 ISSUED BY THE PRINCIPAL OF THE COLLEGE.
- EXT. P14- COPY OF THE NOTICE DATED NIL ISSUED BY THE PRESIDENT OF SFI UNIT.
- EXT. P15- COPY OF THE OFFICER ORDER/SUSPENSION ORDER DATED 11.10.2013.
- EXT. P16- COPY OF THE REPRESENTATION DATED 11.10.2013 SUBMITTED BY THE PRINCIPAL OF THE COLLEGE TO THE 10TH RESPONDENT.
- EXT. P17- COPY OF THE FIR NO 1309/2013 OF ARANMULA POLICE STATION.
- EXT. P18- COPY OF THE PHOTOGRAPHS SHOWING THE SYMBOL OF THE STUDENTS POLITICAL UNIONS WHICH IS SEEN WRITTEN ON THE WALLS OF THE COLLEGE.

- EXT. P19- COPY OF THE PHOTOGRAPH FLOWER CARPET WHICH IS PREPARED IN THE NAME OF STUDENTS' POLITICAL UNION.
- EXT. P20- COPY OF THE NOTICE DATED 12/09/2013 ISSUED BY THE UNIT SECRETARY OF ABVP TO THE PRINCIPAL OF THE COLLEGE DECLARING STRIKE IN THE COLLEGE.
- EXT. P21- COPY OF THE NOTICE DATED 12/09/2013 ISSUED BY THE UNIT SECRETARY OF CAMUS FRONT TO THE PRINCIPAL OF COLLEGE.
- EXT. P22- COPY OF THE REPRESENTATION DATED 08/11/2013 SUBMITTED BY THE FACULTY AND THE STAFFS OF THE PETITIONER COLLEGE TO THE 2ND RESPONDENT.
- EXT. P23- COPY OF THE REPRESENTATION DATED 08/11/2013 SUBMITTED BY THE STAFF OF THE PETITIONER COLLEGE TO THE DIRECTOR GENERAL OF POLIC (STATE POLICE CHIEF) .
- EXT. P24- COPY OF THE REPRESENTATION DATED 08/11/2013 SUBMITTED BY THE FACULTY AND STAFFS OF THE FIRST PETITIONER COLLEGE TO THE 9TH RESPONDENT.
- EXT. P25- COPY OF THE INTERIM ORDER DATED 04/12/2013 PASSED BY THIS HON'BLE COURT IN WP(C) NO.2974/2013.
- EXT. P26- COPY OF THE REQUEST DATED 09/01/2014 SUBMITTED BY THE PRINCIPAL.
- EXT. P27- COPY OF THE PETITION DATED 09/01/2014 SUBMITTED BEFORE THE 10TH RESPONDENT.
- EXT. P28- COPY OF THE JUDGMENT DATED 30/01/2014 PASSED BY THIS HON'BLE COURT IN WP(C)NO.29740/13.
- EXT. P29- COPY OF LETTER FROM KSU OFFICE BEARERS TO THE PRINCIPAL.
- EXT. P30- COPY OF PETITION DATED 04/02/2014.
- EXT. P31- COPY OF REPRESENTATION DATED 06/02/2014.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. Vinod Chandran, J.

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W.P.(C)No.10254 of 2014

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Dated this the 13th day of March, 2015.

JUDGMENT

1. Petitioners are aggrieved with the political activities pursued by the students inside the campus of the first petitioner college. The decision of this Court in *Sojan Francis v. M.G.University (2003 (2) KLT 582)*, found valid, the prescription of an educational institution, banning political activity from its campus. First petitioner college has also brought out Ext.P11 in the same vein, by which, all political activities within the college campus is prohibited. The same has been brought out under the Mahatma Gandhi University's Students' Code of Conduct Rules, 2005, specifically Rule 5. Ext.P9 is again a notice, issued on 4.2.2013, prohibiting political/organizational based strikes or disturbances

in the campus.

2. Despite the specific prohibition imposed by the Principal, the learned counsel for the petitioner would indicate the various instances, where openly such political activities were carried on. It is also submitted that, such organizations are conducting meetings inside the library and also inside the college campus. Ext.P11 is a communication, issued by a student organization, said to be a unit of Mount Zion College of Engineering, the first petitioner herein. Ext.P11 calls for a strike for reason of the suspension of the President of such organization. Ext.P12 is the FIR, registered against the student, who was suspended, pursuant to which, there was a strike, called by the student organization, which has definite political affiliation.
3. The Principal had also taken disciplinary action, against the said students, by way of Ext.P13. Ext.P14 is another notice, calling

for a strike, on the ground of a political murder. Ext.P17 is yet another FIR, registered with respect to the disturbances in the college. Petitioner has also produced the photographs to show the gravity of the offences perpetrated in the college campus, with the active bodies of political organizations, within the college campus.

4. A Division Bench of this Court in ***Sojan Francis***'s case (*supra*) upheld the authority of an educational institution to prohibit political activity within the college campus and forbidding the students from organizing or attending meetings, other than official ones of the college, within the campus. Specifically the MG University Statutes were referred to, wherein, power was conferred on the Principals of the colleges, to bring in such restrictions. It was noticed that, when teaching and non-teaching staff are prohibited from carrying on such activities, it cannot, at

all, be countenanced that, the students be permitted to carry on such activities. Therein a specific clause prohibiting such political activity made by the affiliated college of the MG University was upheld.

5. Another Division Bench of this Court in ***Prakash v. Principal, Government Law College, Ernakulam and others (2014 (1) KLT 232)*** deprecated the practice of strikes by student organizations, resulting in disruption of studies. Though the students have a right to protest, it should be done in a peaceful manner and it should not infringe upon the personal liberty of others. However, even the liberty reserved to students to make peaceful protest, cannot lead to a presumption that, it can be done, on the basis of a political organization.
6. Discipline in an educational institution, is the exclusive premise of the Principal and the staff members of the institution. Though

every citizen is free to have political affiliation, a prohibition of such organized political activity within an educational institution can be made by the educational institution in the interest of discipline and in the interest of academics not being disrupted.

7. The petitioner, in the above case, seeks for a declaration that, the activities of the student organizations are prohibited inside the campus of the first petitioner college. However, there is no warrant for such a declaration, since, by Exts.P1 and P9, the Principal has brought in such prohibition, invoking the powers conferred under the statutes of the MG University, specifically in view of the disruption of studies, as also the loss caused to college property. The Principal of the college or the competent authority would also be enabled to take action, against any student, found indulging in activities, which is prohibited as per Exts.P1 and P9, which right also is conferred under the MG

University statutes.

8. Law and order situation created within the campus, whether it be under the aegis of a political organization or any other organization has to be curbed by intervention by the district administration. The Principal of the first respondent college would be entitled to approach the district administration, as also the Police, conferred with the power to maintain law and order, to ensure that, no law and order situation is created in the college, resulting in disruption of studies or loss to the property of the educational institution. The afore-cited Division Bench decision, unequivocally declares the right of an educational institution, to prohibit such activity and it would be redundant for this Court to issue further declaration on that aspect. However, the observations made herein would be taken with all seriousness by the district administration, if a complaint is

received by the Principal of the college.

Writ petition is disposed off with the above observations. It is also to be noticed that, despite service of notice to all the student organizations, said to be operating within the campus, none appeared or represented. No costs.

K. Vinod Chandran, Judge.

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