

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 15887 of 2014 (I)

PETITIONER(S):

- 1. TEACHERS ORGANIZATION OF VETERINARY
UNIVERSITY OF KERALA, POOKODE
WAYANAD DISTRICT REPRESENTED BY GENERAL SECRETARY.**
- 2. KERALA VETERINARY UNIVERSITY TEACHERS ASSOCIATION,
POOKODE, WAYANAD DISTRICT, REPRESENTED BY GENERAL SECRETARY.**

**BY ADVS.SRI.KURIAN GEORGE KANNANTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM
SRI.THOMAS GEORGE**

RESPONDENT(S):

- 1. KERALA VETERINARY & ANIMAL HUSBANDRY UNIVERSITY
POOKODE, LAKKIDI P.O, WAYANAD 673 576.**
- 2. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
HEALTH & FAMILY WELFARE DEPARTMENT.
GOVERNMENT SECRETARIAT, TRIVANDRUM 695 001.**

**R1 BY ADV. SRI.MILLU DANDAPANI,SC
R2 BY ADV. SRI.K.A.JALEEL, ADDL. ADVOCATE GENERAL
R2 BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-02-2015,
ALONG WITH WPC. 16221/2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE LETTER DATED 9-1-2014 TO ONE STUDENT
 NAMED VAISAK**
- EXHIBIT P2 TRUE COPY OF THE COVERING LETTER DATED 15-12-2012**
- EXHIBIT P3 TRUE COPY OF THE ACTION TAKEN REPORT (ATR) APPENDED TO
 EXT.P2**
- EXHIBIT P4 TRUE COPY OF THE AGENDA NOTES TO ITEM NO 2.2 OF KERALA
 VETERINARY AND ANIMAL SCIENCES UNIVERSITY**
- EXHIBIT P5 T TRUE COPY OF THE CLARIFICATION NOTE (AS PER BOM
 DATED 3-6-2014)**

RESPONDENT(S)' EXHIBITS

- EXHIBIT R1(A): TRUE COPY OF THE ESTIMATES RECOMMENDED BY THE
 COMMITTEE**
- EXHIBIT R1(B): TRUE COPY OF THE NOTIFICATION NO.KVASU/GA/A/1648/2014 DATED
 12/6/14**
- EXHIBIT R1(C): TRUE COPY OF THE PROCEEDINGS KVASU/DAR/ACADB3/10121/2014
 DATED 3/6/14 OF THE R1**
- EXHIBIT R1(D): TRUE COPY OF THE PROCEEDINGS
 NO.KVASU/DAR/ACAD83/10121/2014(2) DATED 12/6/14 OF THE R1**

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) Nos.15887 of 2014 & 16221 of 2014

Dated this the 25th day of February, 2015

J U D G M E N T

The Teachers Union and the Students Union of the respondent University are before this Court alleging procedural irregularities, insofar as the enhancement of seats, for the academic year 2014-15. Both the writ petitions allege that the Board of Management has no competence to order enhancement of student strength. The challenge is against the proceedings of the Board of Management of the respondent University which is produced as Ext.P4 in both the writ petitions.

2. The petitioners specifically contend that as per Ext.P4, Column No.4 no approval of the Academic Council or Board of Studies is necessary. The petitioners rely on Statute 343 of the Kerala

Veterinary and Animal Sciences University First Statutes, 2014 to contend that the Academic Council alone has the power “to make regulations regarding admission of students in the University and to determine the number of students to be admitted” [343(iii)]. The Board of Management hence has no jurisdiction to decide on the student strength to be admitted in the University. Alternative contentions taken in both the writ petitions are with respect to the lack of infrastructure facilities and lack of faculty. The enhancement of student strength is said to be against the interest of the teacher and the student community.

3. The respondent University has filed a detailed counter affidavit, in W.P(C) No.15887/2014, filed by the Teachers Association. Ext.R1(c) is produced to indicate that the decision to enhance the number of students was placed in the Academic

Council and was approved by the Academic Council by circulation as provided under Section 341 of the Kerala Veterinary and Animal Sciences University Act, 2011. Hence the contention of procedural irregularity stands dispelled.

4. The University has contended that the student strength was enhanced only in conformity with the staff pattern. Specific reference has been made to an expert study initiated by the Indian Council for Agricultural Research, wherein a massive shortage of graduate veterinary doctors estimated at 30000 nationally, was disclosed. It is stated that the National Academy of Agricultural Sciences has directed the University to enhance student enrolment at least to the ratio of 1:15 with suitable enhancement of infrastructure and additional faculty, so as to meet the shortage of veterinary doctors.

5. The University specifically contends that

they had decided to enhance the student amenities including residential hostels. The expert committee, under the Chairmanship of the Director of Academics and Research was constituted, consisting of Deans and Associate Deans to examine the feasibility of enhancing student strength. It is only after such report of the expert committee, that the Board of Management of the University recommended enhancement of student strength and the Academic Council later on, approved such decision.

6. Column 4 in Ext.P4, which indicates that no approval from the Academic Council is required, as conceded by the University was an obvious mistake. As was noticed above, Ext.R1(C) is relied upon to specifically contend that the approval of the Academic Council has been obtained.

7. The University also contends that the present staff pattern strength, is adequate to cater to

the enhanced student strength. Ext.R1(b) is a notification notifying appointments to posts in the faculty of the University, for the present academic year. In any event, the student strength has been enhanced and the courses are commenced. The procedure for enhancement having been duly complied with as provided by the First Statutes, there could be no interference caused on the basis of imagined prejudice to the teacher/student community.

8. But for bland allegations nothing concrete is stated in the writ petitions as to the prejudice caused to the respective communities referred above. The teachers are concerned about the additional workload. The prejudice to the students, who apply and get admitted to a professional course is not discernible. True, there is more competition, in the professional field, but that

has to be surpassed by individual merit and not invoking the extraordinary jurisdiction of the Court, under Article 226. The faculty too, should rise up to the occasion to produce more competent professionals and are not expected to take shelter under imagined prejudice, eventually resulting in shirking of the onerous responsibility cast on teachers. When an academic body exercises its wisdom and takes a decision, with respect to the conduct of academics within its fold, seldom would this Court step in, to substitute such decision and superimpose its own reasoning over that of the academic body.

The writ petitions hence are found to be devoid of merit and are dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge