

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 22189 of 2015 (W)

PETITIONER(S) :

- 1. DR.K.KRISHNADAS
ASSOCIATE PROFESSOR,
DEPARTMENT OF COMMERCE
SREE SANKARA COLLEGE, KALADY,
ERNAKULAM DISTRICT.**
- 2. DR.P.K.PADMAKUMAR
ASSOCIATE PROFESSOR,
DEPARTMENT OF BOTANY
NSS HINDU COLLEGE,
CHANGANACHERRY,
KOTTAYAM DISTRICT.**

BY ADV. SRI.P.DEEPAK

RESPONDENT(S) :

- 1. THE MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS
ATHIRAMPUZHA P.O., KOTTAYAM 686565.**
- 2. THE VICE CHANCELLOR
MAHATMA GANDHI UNIVERSITY, ATHIRAMPUZHA P.O.
KOTTAYAM - 686565.**
- 3. JOINT REGISTRAR II (ADMN) & RETURNING OFFICER
MAHATMA GANDHI UNIVERSITY, ATHIRAMPUZHA P.O.
KOTTAYAM-686 565.**
- 4. MAR ATHANASIOUS COLLEGE OF ENGINEERING
KOTHAMANGALAM, ERNAKULAM DISTRICT- 686666.**
- 5. KERALA TECHNOLOGICAL UNIVERSITY
REPRESENTED BY ITS REGISTRAR, CET CAMPUS
THIRUVANANTHAPURAM-695016.**

**R1 TO R3 BY ADV. SRI.VARUGHESE M.EASO, SC
R4 BY ADV. SRI.GEORGE JACOB (JOSE)
R5 BY ADV. SRI. S. KRISHNAMOORTHY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 22189 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1: A TRUE COPY OF THE FINAL ELECTORAL ROLL PUBLISHED BY THE 3RD RESPONDENT IN RELATION TO THE PRIVATE COLLEGE TEACHERS CONSTITUENCY FOR THE SENATE ELECTION - 2015 OF THE MGU (RELEVANT EXTRACT ONLY).

EXHIBIT-P2: A TRUE COPY OF THE GOVERNMENT ORDER DATED 11.03.2015.

EXHIBIT-P3: A TRUE COPY OF THE NOTIFICATION DATED 25.04.2015 ISSUED BY THE KTU.

EXHIBIT-P4: A TRUE COPY OF LIST OF AFFILIATED COURSES OF THE KTU (RELEVANT EXTRACT ONLY).

EXHIBIT-P5: A TRUE COPY OF THE OBJECTION FILED BY THE 1ST PETITIONER TO FINAL ELECTORAL ROLL PUBLISHED BY THE 3RD RESPONDENT IN RELATION TO THE PRIVATE COLLEGE TEACHERS CONSTITUENCY FOR THE SENATE ELECTION-2015 OF THE MGU.

EXHIBIT-P5(a): A TRUE COPY OF THE OBJECTION FILED BY THE 2ND PETITIONER TO FINAL ELECTORAL ROLL PUBLISHED BY THE 3RD RESPONDENT IN RELATION TO THE PRIVATE COLLEGE TEACHERS CONSTITUENCY FOR THE SENATE ELECTION 2015 OF THE MGU.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.22189 of 2015

Dated this the 10th day of August, 2015.

J U D G M E N T

The petitioners are seeking a direction restraining the 2nd respondent from notifying the Senate Election -2015 of the M.G. University in relation to the constituency of Private college teachers until such time as the 3rd respondent delete the 4th respondent College and the teachers of the 4th respondent college.

2. On 16.7.2015, the 3rd respondent in his capacity as the Returning officer, appointed for the conduct of election to the Senate of the M.G.University, has published the Electoral Roll (Final) in relation to the constituency of Private college teachers. The 4th respondent college is placed 30th among the list of colleges and the teachers of the 4th respondent college are assigned roll numbers from 1145 to 1255 (both inclusive) in the final electoral roll. The petitioner alleges that the 3rd respondent has clearly erred

in including the teachers of the 4th respondent college as electors qualified to vote at the Senate Election 2015 in Ext.P1 final electoral roll. Thus for the setting up of the KTU under the provisions of the Kerala Technological University Ordinance, 2014, sanction was accorded by the Government, to disaffiliate the institutions imparting education in Engineering and Technology in the State of Kerala, which, before the date of commencement of the Ordinance, remained affiliated to the different Universities, including the M.G.University and affiliate them to the KTU from the Academic year 2015-2016. The 4th respondent college has not only ceased to be an affiliated college of the M.G.University but also been granted affiliation to the KTU under Clause 59 of Chapter VIII of the Kerala Technological University Ordinance, 2014 ; it is alleged.

3. The petitioners further allege that they have submitted separate objections before the 2nd respondent (Ext.P5) as well as before the 3rd respondent [Ext.P5(a)]

demanding immediate deletion of the ineligible electors from Ext.P1 rolls before the date of notification of the election and there has been no endeavor on the side of the respondents 2 and 3 to remove the teachers of the 4th respondent College from the list of electors qualified to vote in Ext.P1 final electoral roll ; it is alleged.

4. I have heard the learned counsel for the petitioner, the learned Standing counsel for the respondent University and the learned counsel for the 5th respondent. Considering the relief to be granted to the petitioners, notice to 4th respondent is dispensed with.

5. Considering the nature of the submissions made, this writ petition is disposed of permitting the petitioners to approach the Vice Chancellor of respondent University with a request, who shall give appropriate direction in the matter within a period of one month from the date of copy of this judgment after hearing the petitioners and the 4th respondent. Till the matter is concluded by the 2nd

respondent Vice Chancellor, the proposed election shall be stalled.

Sd/-

**A.V.RAMAKRISHNA PILLAI,
Judge.**

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//True copy//

P.A.to Judge