

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).NO. 29713 OF 2014 (L)

PETITIONER(S):

**ABYIN AMPADIYIL SADANANDAN, AGED 31 YEARS,
MANAGER,SREE NARAYANA INSTITUTE OF TECHNOLOGY,
THEPPUPARA,ADOOR P.O,PATHANAMTHITTADISTRICT-691 554,
RESIDING AT AMPADIYIL NEW BUNGALOW,
M.G.ROAD, PANNIVIZHA ADOOR-691 523.**

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.V.RENJITH KUMAR
SRI.ASWIN.P.JOHN**

RESPONDENT(S):

- 1. UNIVERSITY OF KERALA, TRIVANDRUM,
REPRESENTED BY ITS REGISTRAR,
O/O THE UNIVERSITY OF KERALA, PALAYAM, TRIVANDRUM-695004.**
- 2. VICE CHANCELLOR
UNIVERSITY OF KERALA, TRIVANDRUM
O/O THE UNIVERSITY OF KERALA, PALAYAM, TRIVANDRUM-695004.**
- 3. RETURNING OFFICER,
ELECTION TO THE SYNDICATE OF THE UNIVERSITY OF
KERALA, O/O THE UNIVERSITY OF KERALA,
PALAYAM, TRIVANDRUM-695004.**
- 4. DR.N.VEERAMANIKANDAN,
PRO-VICE CHANCELLOR, UNIVERSITY OF KERALA, TRIVANDRUM,
O/O THE UNIVERSITY OF KERALA, PALAYAM, TRIVANDRUM-695004.**
- 5. B.S.JYOTHIKUMAR
S/O.LATE BHASKARAKURUP, CHAMAKKALA VEEDU,
PANAYANCHERRY MURI, ANCHAL VILLAGE, ANCHAL P.O,
PATHANAPURAM TALUK, KOLLAM DISTRICT,
KERALA - 691 306.**
- 6. CHAMAKKALA EDUCATIONAL TRUST,
CHAMAKKALA BUILDINGS, PANAYANCHERRY, ANCHAL P.O-691306,
REPRESENTED BY ITS CHAIR PERSON MRS.AMBIKA PADMASANAN.**
- 7. SARASWATHI AMMA,
W/O.LATE BHASKARAKURUP, CHAMAKKALA VEEDU,
PANAYANCHERRY MURI, ANCHAL VILLAGE, ANCHAL P.O,
PATHANAPURAM TALUK, KOLLAM DISTRICT, KERALA-691 306.**

8. AMBIKA PADMASANAN

**W/O.PADMASANAN, PADMATHEERTHAM,
CHAVARCODE DESOM, PARIPALLY P.O, NAVAIKULAM VILLAGE,
THIRUVANANTHAPURAM, KERALA-691 574.**

R5 BY ADV. SRI.TONY GEORGE KANNANTHANAM

R5 BY ADV. SRI.THOMAS GEORGE

R6-R8 BY ADV. SRI.GEORGE POONTHOTTAM

R1-2 BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).NO. 29713 OF 2014 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF NOTIFICATION NO.ELECTION/SENATE/1/2013-14 DT. 20-1-2014 NOTIFYING ELECTION TO THE SENATE OF THE UNIVERSITY OF KERALA.**
EXT.P2 - TRUE COPY OF THE NOTIFICATION NO.ELECTION/SENATE/M/2013-14 EVIDENCING THE FINAL LIST OF CANDIDATES NOMINATED FOR ELECTION TO THE SENATE BY THE MANAGERS OF PRIVATE COLLEGES.
EXT.P3 - TRUE COPY OF NOTIFICATION NO. ELECTION/SENATE/M/2013-14 DATED 7-3-2014 DECLARING THAT THE 5TH RESPONDENT AND 3 OTHERS HAD BEEN DULYELECTED TO THE SENATE OF THE UNIVERSITY OF KERALA
EXT.P4 - TRUE COPY OF THE ORDER DATED 16-6-2004 ISSUED BY THE UNIVERSITY CLARIFYING THE STATUTORY REQUIREMENT FOR AFFILIATION OF COLLEGES/COURSES
EXT.P5 - TRUE COPY OF THE APPLICATION FOR AFFILIATION FOR THE YEAR 2004-2005 SUBMITTED BY THE 6TH RESPONDENT OBTAINED THROUGH RTI ACT
EXT.P6 - TRUE COPY OF ENCUMBRANCE CERTIFICATE DTD. 8-1-2014 ISSUED BY SRO, OYUR.
EXT.P7 - TRUE COPY OF THE AGREEMENT EXECUTED BY THE 6TH RESPONDENT TRUST WITH THE 1ST RESPONDENT UNIVERSITY ON 19-9-2005
EXT.P8 - TRUE COPY OF THE ENQUIRY REPORT DATED 14-5-2014 SUBMITTED BY DR.N.VEERAMANIKANDAN.
EXT.P9 - TRUE COPY OF THE REPRESENTATION DATED 30-10-2014 SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

- EXT.R7(A):- TRUE COPY OF THE FORWARDING LETTER DT31.8.2004**
EXT.R7(B):- TRUE COPY OF THE STATEMENT SHOWING THE DETAILS OF LAND FOR THE PROPOSED COLLEGE OF EDUCATION, ARKANNUR, KOLLAM DIST.

OKB.

//TRUE COPY//

PA. TO JUDGE

THOTTATHIL B. RADHAKRISHNAN & K. HARILAL, JJ.

W.P(C).No.29713 of 2014

Dated this the 1st day of April, 2015.

JUDGMENT

Thottathil B. Radhakrishnan, J.

This writ petition is filed seeking issuance of a writ of quo warranto against the fifth respondent from continuing as a Member of Senate of the University. This writ petition was instituted as a prelude to the election to the Syndicate from the Senate. Election to Senate and election to Syndicate are matters in relation to which statutory remedies are available to challenge such elections. Under such circumstances, leaving open all such remedies as may be available in accordance with law, this writ petition is closed without expressing anything on merits.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K. HARILAL, JUDGE

okb.