

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 35300 of 2015 (J)

PETITIONER :

**THE PRINCIPAL,
MEA ENGINEERING COLLEGE,
PERINTHALMANNA, SHIHAB THANGAL NAGAR,
VENGOOR, PATTIKKAD POST
MALAPPURAM DISTRICT - 679 325.**

BY ADV. SRI.R.RAMADAS

RESPONDENT(S) :

**1. UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR
CALICUT UNIVERSITY P.O., PIN - 673 635.**

**2. THE VICE CHANCELLOR
UNIVERSITY OF CALICUT
CALICUT UNIVERSITY P.O.,
PIN - 673 635.**

R1 & R2 BY ADV. SRI.SANTHOSH MATHEW, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 35300 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - A PHOTOCOPY OF THE RELEVANT PAGES FROM THE ANNUAL
REPORT 2011 OF THE UNIVERSITY OF CALICUT.**
- EXT. P2 - A PHOTOCOPY OF THE CIRCULAR ALONG WITH APPENDIX DATED
24.08.2011 OF THE UNIVERSITY OF CALICUT.**
- EXT. P3 - TRUE COPY OF THE ORDER DATED 21.10.2014 IN WPC. NO.26970/2014.**
- EXT. P4 - A TRUE COPY OF THE LETTER DATED 20.08.2015 TOGETHER WITH
THE ELECTION SCHEDULE.**
- EXT. P5 - A TRUE COPY OF THE REVISED BYE-LAWS OF THE STUDENTS
UNIONS AND REVISED COLLEGE UNION ELECTION RULES.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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K. HARILAL, J.

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W.P. (C) No.35300 of 2015

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Dated this the 27th day of November, 2015

J U D G M E N T

In this Writ Petition, the petitioner is challenging the direction of the respondent-University to conduct College Union election under the Presidential mode of election. According to the petitioner, the said direction is issued in violation of the decision of the Apex Court in ***University of Kerala (1) v. Council, Principals' Colleges, Kerala and Others***[2006(8) SCC 304] and another decision of this Court reported in ***Council of Principals' of Colleges v. State of Kerala***[2004(2) KLT 995]. Hence, this Writ Petition is filed with a prayer to quash the direction in Exts.P4 and P5, to the extent that the petitioner shall conduct the College Union

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election following the Presidential mode only and also to declare that the petitioner is free to conduct the College Union election for the academic year 2015-2016, by following the Parliamentary mode of election (indirect).

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondent.

3. Learned counsel for the petitioner submits that the disputed direction, as regards the mode of election, to be conducted in the petitioner's College is made in violation of the interim order passed by the Apex Court, which stands reported in ***University of Kerala (1)'s case (Supra)***. Further, the learned counsel for the petitioner submits that following the direction in W.P.(C) No.18317 of 2012, this Court also passed an order declaring that the College is free to choose any one of the four modes of election, for the conduct of college students' union election. Thus, the matter in issue

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involved in this Writ Petition is covered by the above decision.

4. Per contra, learned Standing Counsel appearing for the respondent submits that even though, the Apex Court has made a declaration that the college is free to choose any one of the four modes of election in the decision reported in ***University of Kerala (1)'s case (Supra)***, now, that decision stands referred to a Larger Bench of the Apex Court.

5. Going by the decision laid down by this Court in W.P.(C) No.18317 of 2012, even though, in this decision, it was made clear that the benefit of that judgment shall be confined to the petitioner in that case only, I am of the opinion that the principle on which, the above decision has been taken can be adopted to the instant case also. In that view of the matter, in the instant case also, the petitioner college shall be free to choose any

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one of the four modes of election for the conduct of College Students' Union Election, as permitted by the Apex Court in ***University of Kerala (1) v. Council, Principals' Colleges, Kerala and Others***[2006(8) SCC 304].

This Writ Petition is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge