

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

Monday, the 7th day of July 2025 / 16th Ashadha, 1947

CONTEMPT CASE (CRL.) NO. 1 OF 2025(S)

PETITIONER:

SUO MOTU

RESPONDENT:

R.RAJESH, EX M.L.A AND MEMBER OF SYNDICATE,
UNIVERSITY OF KERALA, PALAYAM, THIRUVANANTHAPURAM.

This Contempt of case (criminal) having come up for orders on
07.07.2025, the court on the same day passed the following:

P.T.O.



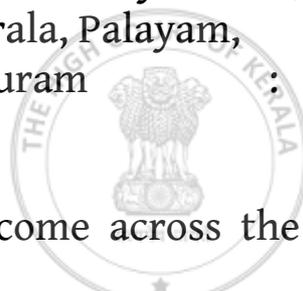
“C.R.”

D K SINGH, J.

SUO MOTU CONTEMPT CASE (CRIMINAL) No. 1 OF 2025

Dated: 07th July 2025

ORDER

RE: Mr R Rajesh,
ExMLA and Member of Syndicate,
University of Kerala, Palayam,
Thiruvananthapuram  Alleged Contemnor

This Court has come across the Facebook post of the alleged contemnor, dated 06.07.2025, which clearly indicates that he had committed *ex facie* criminal contempt of the Court. The Facebook post of the alleged contemnor *prima facie* amounts to interference with the administration of justice and scandalising the Court. The alleged contemnor is not only the former MLA of the State Legislative Assembly but also a Syndicate Member of the University of Kerala. The University

and Syndicate are litigants before this Court in a number of cases.

2. The Facebook post dated 06.07.2025, which has been written in Malayalam on the Facebook page of the alleged contemnor, on being translated into English, would read as under:

“The goddess of justice sits in the High Court, not a woman carrying a saffron flag.

Let the country know whose path some of you are following...

Let the country judge for whom your decisions are made.....

The Center is trying to destroy and control the higher education sector of Kerala....

They take different approaches to this.

1. Chancellors are tasked solely with politically controlling universities.

2. They appoint Vice Chancellors of their choice without even considering their qualifications....

Can't you question this?

That is where the biggest interference is being made by the Centre. The High Court bench that hears university cases deliberately appoints staunch Sangh Parivar supporters.

The verdict is given in the High Court considering cases

related to higher education...

Sangh Parivar

Those who are interested...

Let's look at some recent rulings.

Case 1

Mohan Kunnummal, who is holding the temporary charge of the VC of Kerala University, is the only doctor working in the health field. He is 68 years old.

What is the legal qualification to become the VC of the University of Kerala?

To become a Vice Chancellor, one must have 10 years of experience as a professor.

Must not be over 65 years of age.

But does Mohan Kunnummal have these 2 qualifications to become the Vice Chancellor of the University of Kerala?

(a) Not only does he not have ten years of experience, he is not a professor.

(b) The Chancellor granted the reappointment when he turned 68 after the age of 65.

What was the verdict on the petition filed by the eligible persons questioning this matter?

While considering the petition, the court accepted the argument that the interim VC did not have these qualifications, and why did it allow the interim VC to continue in office?

The only reason is that the interim VC is a Sangh Parivar member.

Did the goddess of justice or the woman carrying the saffron flag win here?

Case 2

The law states that a student representative appointed to the University Senate must be under 30 years of age.

How long has the verdict been postponed on the petition challenging the admission of a person over 30 years of age to the Senate?

Would it be wrong to suspect that the delay is due to the verdict against the right-wing representative?

Case 3

What happens in the registry case?

(a) Does the VC have the power to suspend the Registrar of the University of Kerala?

* No.

The appointment of the Registrar is made entirely by the Syndicate.

(b) What is the method taken by the VC to suspend the Registrar at present?

* If any urgent non-policy decision needs to be taken during the meeting of 2 syndicates in the university, the VC can decide as per Section 10(13) of the University Act.

* Can the VC decide anything according to Act 10 (13)?

* No, essential certificates and some small funds may be allowed.

* No disciplinary action or appointments should be taken on its own.

* Section 10 (14) of the University Act itself states that disciplinary action should not be taken, Although the VC can take some of the above minor decisions using 10(13), it is strictly stated that disciplinary action cannot be taken under 10(14).

Whatever matter the VC decides provisionally under 10(13), the matter shall be brought before the Syndicate for final approval and the Syndicate shall take the final decision.

(e) Does the VC have the power to suspend the registrar?

No, below the Registrar are Joint Registrars, below are Deputy Registrars, below are Assistant Registrars

Later, the hierarchy of university officials was as officers, including section officers.

The VC can only take action against those below this rank up to AR (Assistant Registrar).

VC cannot take action against DR, JR & Registrar

The power to take action lies with the appointing authority, the Syndicate.

The VC Registrar was suspended for violating this.

(f) Has anyone been given the opportunity to be heard before being suspended?

Was a show cause notice issued to hear his side of the story?

There is so much illegality behind this suspension.

Why did the court fail to see these prima facie legal violations?

Why wasn't this complete illegality stopped?

Didn't the court simply take the immature position of not knowing the merits of this case?

Who are some of the people in court with?

With the goddess of justice?

With the woman carrying the saffron flag.....

- R. Rajesh

Kerala University Syndicate Member”

3. Even today, a writ petition by Professor Dr K.S. Anil Kumar, the Registrar of the University of Kerala, was listed before this Court, wherein the challenge was made to the Order dated 02.07.2025 whereby Dr K.S. Anil Kumar was placed under suspension by the Vice Chancellor. However, the said writ petition has been dismissed as withdrawn as the learned Senior Counsel for the petitioner wanted to withdraw the writ petition on the ground that the Syndicate of the University, to which the alleged contemnor is a member, has reinstated Dr

K.S. Anil Kumar to the post of Registrar of the University.

4. The alleged contemnor has stated in the Facebook post that the Bench that hears University cases is headed by staunch Sangh Parivar supporters. He has not criticised the judgments, but criticised the Judges heading the Bench hearing education matters in the language which amounts to scandalising the Court and maligning the reputation of the Judge(s).

5. Nobody is above the law, and everybody is under an obligation to adhere to the rule of law. The principle that every stakeholder of an institution of dispensation of justice has to follow the law/rule of law, in words and spirit. If we allow any deviation or distraction in the name of convenience, harmony, smooth functioning or such other clumsy pretext, it will do more harm to the system. It is the duty of the Court to stand in such a situation to maintain the majesty, honour and

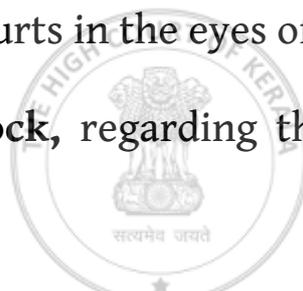
independence of the institution of justice instead of surrendering to the individual interest of anybody, whatsoever, in the name of sympathy, leniency, compassion, forgiveness etc.

5.1 The power of justice has been handed down to the Courts from the sovereignty of the State. Amongst all other kinds of sovereign functions, dispensation of justice is treated to be a power which would have been exercised by the King as a representative of God. It is treated as a divine power. A divine power does not mean compassion to the wrongdoer and allow or continue to cause irreparable injury and loss to the wronged one. The power to do justice includes the power of punishment. If someone has done something wrong, adequate punishment for such wrong is also a divine obligation upon the Court of law, whereby such power is to be exercised.

5.2 No one, even a public figure like the alleged

contemnor, can be allowed to make insinuations, allegations and aspersions on the Judges of this Court or, in that manner, even of any other Court which has the effect of lowering down the majesty of the Court as a whole in the eye of general public. The alleged contemnor has made allegations wild and unsubstantiated on his Facebook post, lowering the prestige and majesty of the Courts in the eyes of the general public.

6. **Lord Diplock**, regarding the Contempt of Court, has said as under:

The seal of the High Court of Kerala is visible in the background, featuring the state emblem of Kerala and the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script.

"The due administration of justice requires first that all citizens should have unhindered access to the constitutionally established courts of criminal or civil jurisdiction for the determination of disputes as to their legal rights and liabilities; secondly, that they should be able to rely on obtaining in the courts the arbitrament of a tribunal which is free from bias against any party and whose decision will be based on those facts only that have been proved in evidence adduced before it in accordance with the procedure adopted in courts of law; and thirdly that once the dispute has been submitted to a court of law, they should be able to rely on

their being no usurpation by any other person of the function of that court to decide it according to law. Conduct which is calculated to prejudice any of these three requirements or to undermine the public confidence that they will be observed is contempt of court."

7. **Lord Morris** of Borth-y-Gest said,

"When such unjustifiable interference is suppressed it is not because those charged with the responsibilities of administering justice are concerned for their own dignity: it is because the very structure of ordered life is at risk if the recognized courts of the land are so flouted that their authority wanes and is supplanted."

Three clauses of Section 2(c) of the Contempt of Courts Act, 1971 define "*criminal contempt*". It is in terms of obstruction of or interference with the administration of justice.

8. The Supreme Court in the case of ***Baradakanta Mishra v. The Registrar of Orissa High Court***¹ noted that broadly, the Act accepts that proceedings in contempt are

¹ (1974) 1 SCC 374

always with reference to the administration of justice. With reference to the three sub- clauses of Section 2(c) of the Act, the Supreme Court observed that sub- clauses (i) and (ii) deal with obstruction and interference respectively in the particular way described therein, while sub-clause (iii) is a residuary provision by which any other type of obstruction or interference with the administration of justice is regarded as a criminal contempt.

9. In the case of *Balogh v. St. Albans Crown Court*², which is a rather interesting case that dealt with contempt in the face of the Court. **Lord Denning MR** said that contempt in the face of the Court led to instant punishment or punishment on the spot, unlike punishment rendered on motion. It was never confined to conduct which a Judge saw with his own eyes, and so contempt in the face of the Court is the same thing

² (1975) 1 QB 72

as contempt which the Court can punish of its own motion, and it really means contempt in the cognizance of the Court.

10. In other words, contempt "*of its own motion*" is a species of contempt in the face of the Court. Some instances were given of this, such as contempt (i) in the sight of the Court, (ii) within the courtroom but not seen by the Judge, and (iii) at some distance from the Court.

10.1 In this context, it was said that the power to punish for contempt is a summary power, it is a great power, and it is a necessary power. This is a drastic power which should be invoked to meet the ends of justice.

10.2 The High Court has the power under Article 215 of the Constitution of India to punish for contempt of itself. The definition of '*criminal contempt*' defined in Section 2(c) of the Contempt of Courts Act, 1971 reads as follows:-

"2. **Definitions:** - In this Act, unless the context otherwise requires,

(a) xxx

(b) xxx

(c) criminal contempt" means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which -

(i) scandalises or tends to scandalise, or lowers or tends to lower the authority of any court ; or

(ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or

(iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;

(d) xxx”

11. The Supreme Court in *M. Y. Shareef and another v.*

The Hon’ble Judges of the High Court of Nagpur and others ³at

page 764 noted that the growing tendency of maligning the

reputation of Judicial Officers by disgruntled elements and

members of the profession, resorting to cheap gimmicks to

browbeat the Judges. Para 44 of the judgment reads as under:

³ (1955) 1 SCR 757

“The tendency of maligning the reputation of Judicial Officers by disgruntled elements who fail to secure the desired order is ever on the increase and it is high time it is nipped in the bud. And, when a member of the profession resorts to such cheap gimmicks with a view to browbeating the judge into submission, it is all the more painful. When there is a deliberate attempt to Scandalize which would shake the confidence of the litigating public in the system, the damage caused is not only to the reputation of the concerned judge but also to the fair name of the judiciary; Veiled threats, abrasive behavior, use of disrespectful language and at times blatant condemnatory attacks like the present one are often designedly employed with a view to taming a judge into submission to secure a desired order. Such cases raise larger issues touching the independence of not only the concerned judge but the entire institution. It is high time that we realise that the much-cherished judicial independence has to be protected not only from the executive or the legislature but also from those who are an integral part of the system.”

12. This Court is drawing the contempt proceedings *suo motu*, finding *prima facie* that the insinuation and intemperate language used by the alleged contemnor in his Facebook post

is to interfere with the Court proceedings and scandalise the Court and interfere with the administration of justice in an *ex facie* contemptuous way. The Court is at pains to act against the alleged contemnor, but the Court is also conscious of its duties and responsibilities to protect the institution of the High Court and to maintain purity and sanctity in the administration of justice.

13. In view thereof, this Court holds Sri R Rajesh, Ex-MLA and Syndicate Member of the University of Kerala, to have *prima facie* committed *ex facie* contempt of the Court by writing the Facebook post mentioned above on 06.07.2025, which amounts to scandalising and lowering the authority of this Court and interference with due course of judicial proceedings and it also tends to interfere or obstruct the administration of justice.

14. This Court, exercising powers in terms of Section 15

of the Contempt of Court Act, 1971 and the plenary powers of the High Court under Article 215 of the Constitution of India, read with Rule 164(2) of Chapter XII of the Rules of the High Court of Kerala 1971 frames the following charges against Mr R Rajesh, Ex-MLA and Syndicate Member of the University of Kerala.

- (i) *You, Mr R Rajesh, Ex-MLA and Syndicate Member of the University of Kerala, by writing the Facebook post on 06.07.2025 on your Facebook page, have clearly intended to defile the image of the Court, cast insinuations and insult to the Judges heading the education Bench.*
- (ii) *You, Mr R Rajesh, Ex-MLA and Syndicate Member of the University of Kerala, have written the Facebook post on 06.07.2025, with the clear intention to bring the Court into disrepute by making scandalous and unfounded allegations in intemperate language. Your ex-facie contemptuous writing on*

Facebook as envisaged under Section 15 of the Contempt of Courts Act, 1971 defines criminal contempt that makes you liable to be punished under the provisions of the Contempt of Courts Act, 1971, and, therefore, you are hereby called upon to answer the aforesaid charge in person or through counsel and be present yourself to be tried on 23.07.2021.

The Registry is directed to number this suo motu contempt case against the alleged contemnor.

Let notice be issued to Mr R Rajesh, Ex-MLA and Syndicate Member of the University of Kerala, alleged contemnor for his appearance before this Court on 23.07.2025 at 10.15 a.m. Let the contempt case be posted before the appropriate Bench, with orders from the Hon'ble Chief Justice.

Sd/-
D K SINGH
JUDGE

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