CNR : KLHC010777642026

2026:KER:89409

“C.R.”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 23RD DAY OF NOVEMBER 2026 / 2ND AGRAHAYANA, 1948

WP(C) NO. 35256 OF 2026

PETITIONER/S:

1 ARCHANA P.S., D/O SASIDHARAN, AGED 23 YEARS
PADINJAKKARA HOUSE, PILAPULLY, PARUTHIPULLY,
PALAKKAD, PIN - 678573

2 ABIJITH K.V.
AGED 30 YEARS
KANJOOPARAMBIL HOUSE, PARAPPURAM P.O,
KANJOOR, ERNAKULAM DISTRICT, PIN - 683575

3 RITHISHA
AGED 29 YEARS, C/O. K.K. SOMAN,
CHERUMELIPARAMBIL, THRIKKODITHANAM P.O,
KOTTAYAM DISTRICT, PIN - 686105

4 ASWANTH P.M
AGED 23 YEARS, S/O. HARIDASAN P.M.,
PULIYANGATT MEETHAL HOUSE, NADUVATHUR P.O,
KEEZHARIYUR, KOYILANDY, KOZHIKODE,
PIN - 673620

5 ASRITHA M
AGED 26 YEARS, D/O. BINDU M.,
KARIYIL HOUSE, NIDUVOTTUMKUNNU, MATTANNUR
P.O., KANNUR, PIN - 670702

6 LIBIN MATHEW

AGED 39 YEARS
KOTTARATHIL HOUSE, KARUKADOM P.O, KARUKADOM,
KOTHAMANGALAM, ERNAKULAM, PIN - 686691

7 **SYAMJITH K., S/O. SUBRAMANIAN,**
AGED 23 YEARS
KUNNUMMAL HOUSE, PUTHUPPARAMBA P.O,
NJARATHADAM, PIN - 676501

8 **ANAGHA V. NAIR, D/O. VIJAYAKUMAR V.,**
AGED 23 YEARS
KANDAKKAKUZHIYIL HOUSE, PULAKODE P.O,
CHELADKKARA, PIN - 680586

9 **JISHNU SURESH**
AGED 27 YEARS, S/O. SURESH S.
LEKSHMI BHAVAN, RAVINAGAR, KANJIRAMKULAM,
PULLUVILA P.O, THIRUVANANTHAPURAM,
PIN - 695526

0 **ATHULYA K.L.**
AGED 27 YEARS, D/O. KRISHNAN,
KALLERI POYIL HOUSE, CHELIYA P.O, KOYILANDY
VIA, KOZHIKODE, PIN - 673306

11 **DONA MARIYA**
AGED 20 YEARS, D/O. DOMINIC P.,
PONGADAN HOUSE, MURIYATHODE ARIYIL P.O,
PATTUVAM, THALIPARAMBA, KANNUR, PIN - 670143

12 **SRADHA C.P.**
AGED 22 YEARS, D/O. SURESH,
SAROVARAM HOUSE, BEHIND MUNICIPAL BUS STAND,
MALAPPURAM P.O, MALAPPURAM, PIN - 676505

13 **SIVAKUMAR M.S.**
AGED 29 YEARS, S/O. SUNILKUMAR,
MOONNARAPPARAYIL, THAYAMKARY P.O., EDATHUVA,
ALAPPUZHA, PIN - 689573

14 **ARUNIMA ARUN R.**
AGED 22 YEARS, C/O. RAJAN K.,
VALIYAMADAM, SASTHAMCOTTA, MYNAGAPALLY P.O,



VENGA, KOLLAM, PIN - 690521

15 FASNA M., D/O. KUNHIMOOSA,
AGED 21 YEARS
MALAYIL HOUSE, KIZHUR P.O., PAYYOLI,
KOZHIKODE DISTRICT, PIN - 673522

16 VISMAYA K.P., D/O. ANILKUMAR K.P.,
AGED 20 YEARS
KOLLATHUPADI HOUSE, PONNANI, MALAPPURAM,
PIN - 679577

BY ADVS.
SHRI.P.G.PRAMOD
SMT.NADIYA K.M.
SRI.T.A.SHAJI (SR.)
SRI.GOPALAKRISHNA KURUP (SR.)

RESPONDENT/S:

1 SRI SANKARACHARYA UNIVERSITY OF SANSKRIT
KALADY, KALADY P.O., ERNAKULAM DISTRICT,
REPRESENTED BY ITS REGISTRAR, PIN - 683574

2 THE SYNDICATE OF SRI SANKARACHARYA UNIVERSITY
OF SANSKRIT, KALADY, KALADY P.O., ERNAKULAM
DISTRICT, REPRESENTED BY ITS CHAIRMAN,
PIN - 683574

3 THE VICE CHANCELLOR
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT,
KALADY, KALADY P.O., ERNAKULAM DISTRICT,
PIN - 683574

BY ADVS.
SMT.SILPA SREEKUMAR, SC, SREE SANKARACHARYA
UNIVERSITY OF SANSKRIT, KALADY
SRI.GEORGE POONTHOTTAM (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR HEARING ON 18.11.2026, THE COURT ON 23.11.2026 DELIVERED THE FOLLOWING:

CNR : KLHC010777642026

2026:KER:89409

“C.R.”

P.V.KUNHIKRISHNAN, J

W.P. (C) No. 35256 of 2026

Dated this the 23rd day of November, 2026

JUDGMENT

The petitioners are students of Sree Sankaracharya University of Sanskrit, Kalady, enrolled in various courses in different streams under the University. They are aggrieved by their suspension and consequential disciplinary actions taken by the respondent University.

Statement of Facts

2. According to the petitioners, they are raising various demands to address the grievances of the students in the University, including the non-filling up of 27 vacant posts of Lecturers, the inability on the part of the 1st respondent University to grant printed



certificates, the lack of basic infrastructure facilities, disbursal of fellowship amounts, etc., and the students were compelled to protest before the authorities of the University for getting their facilities for a smooth academic session. On 13.08.2026, while the Vice Chancellor of the University visited the campus to attend the Syndicate meeting of the University, the students gathered and demanded an opportunity to meet the Vice Chancellor to get the various difficulties they were facing in the University redressed, as submitted by the petitioners. But, according to the petitioners, the Vice Chancellor and the University authorities did not accede to this demand. The students continued to gather and raised the demand for a chance to meet the Vice Chancellor to redress their grievances, is the further submission. Despite repeated requests, they were not granted permission to meet, or have an audience with, the Vice Chancellor, as submitted by the petitioners. According to the



petitioners, the Vice Chancellor left the campus accompanied by police force without redressing the grievances of the petitioners and other students. Based on the students gathering in protest and demanding a meeting with the Vice Chancellor, an incident occurred in which there was a push-and-pull between the students and the police authorities. Consequently, Crime No. 735 of 2026 was registered by the Kalady police, as evident from Ext.P1 F.I.R. Ext.P1 F.I.R. was registered based on a statement given by the then Sub Inspector of Police, Kalady Police Station, who was present on the premises when the law and order problem arose. The F.I.R. was registered on 13.08.2026 at 23:22 hours based on the alleged incident that happened on 13.08.2026 at 19:40 hours. Subsequently, the Vice Chancellor filed a complaint on 16.08.2026 at 15:47 hours, and based on the said complaint, the Kalady Police registered another F.I.R. as Crime No.744 of 2026, as evident from Ext. P2, in which



the alleged incident is also stated to have occurred on 13.08.2026 at 19:15 hours, as in Ext.P1. Thereafter, on 01.09.2026, the petitioners were suspended by the University as per Ext.P3 order, wherein the reason stated for the suspension was the alleged untoward incident that occurred on 13.08.2026 in connection with the Syndicate meeting. On 01.09.2026 itself, by Ext. P4 order, the respondents constituted an enquiry committee to enquire into the untoward incident that occurred on 13.08.2026. Subsequently, the petitioners received Ext. P5 memo dated 22.09.2026, granting permission to appear for the enquiry on 29.09.2026 and 30.09.2026. In the meantime, Ext. P6 notification was issued by the respondent University notifying the FYUGP/UG/PG/Diploma/PG Diploma Degree Examination. At that stage, the petitioners filed the above writ petition.

3. When this writ petition came up for consideration before this Court on 30.10.2026, this



Court directed the University to allow the petitioners to appear for the examination subject to the result of the writ petition. This Court also made it clear in the order that the petitioners' appearance in the examination will not give them any right or equity while deciding the case finally. Ext. P7 is the interim order dated 30.10.2026 in I.A. No.2 of 2026 in W.P.(C) No.35256 of 2026. The above interim order was challenged by the University before the Division Bench of this Court by filing W.A.No.2276 of 2026. The Division Bench of this Court set aside the Ext. P7 order as per the Ext. P8 judgment. The petitioners challenged the same before the Apex Court by filing Special Leave to Appeal No.39164 of 2026. The Apex Court refused to interfere with the order passed by the Division Bench, but this Court was requested to take up and dispose of the pending writ petition expeditiously. The Apex Court also recorded the statement of the counsel appearing for the University that, if the High Court passes favourable



orders in favour of the petitioners, the University will hold a separate examination for the petitioners.

4. Thereafter, when this writ petition was listed before this Court on 11.11.2026, the case was posted to 13.11.2026 and on 13.11.2026, the case was posted to 16.11.2026 and thereafter to 17.11.2026. On 17.11.2026, an amendment petition was filed by the petitioners to amend the writ petition and the same was opposed by the respondent University. However, this Court, by order dated 17.11.2026, allowed the amendment petition. Thereafter, the case was posted to 18.11.2026. On that date, the case was heard in detail. The prayers in the writ petition, after the amendment, are extracted hereunder:

> "i) Issue a Writ of Certiorari or any other Writ, Order to Direction to quash Exhibit-P3;
>
> ii) Issue a Writ of Mandamus or any other Writ, Order or Direction commanding and compelling the respondents to provisionally accept the application of the petitioners mandated



as per Exhibit-P6;

iii) Declare the prolonged suspension of the petitioners is a high-handed action from the side of the respondents;

iv) Dispense with the production of translated copy of vernacular documents; and

(ivA) Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction, setting aside Exhibit P10 Enquiry Report.

(ivB) Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction, calling for the records leading to Exhibit P11 and quashing the same.

(ivC) Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction, calling for the records leading to Exhibit P4 and quashing the same.

(ivD) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, commanding the respondent University to grant attendance to the petitioners for the period during which they were kept under suspension and further directing the University to permit the petitioners to complete all other academic components which they were



required to complete but could not do so on account of the aforesaid suspension.

(ivE) Declare that the prolonged suspension of the petitioners is illegal, arbitrary and disproportionate exercise of power, particularly since the disciplinary proceedings initiated against them have not culminated in a proper and lawful conclusion.

(ivF) To direct the respondent university to conduct special examinations to petitioner numbers 1, 7, 8, 9, 11, 12, 13, 14, 15 and 16 as undertaken by the university before the Honorable Supreme Court of India .

and

v) to issue such other Writ, Order or Direction as this Honourable Court may deem fit and proper in the facts and circumstances of this case."

[SIC]

5. The learned Senior Counsel, Adv. K. Gopalakrishna Kurup, as instructed by Adv. Pramod P.G., argued the matter on behalf of the petitioners. The learned Senior Counsel, Adv. George Poonthottam, as instructed by Adv. Silpa Sreekumar, argued the matter



on behalf of the University.

Contentions raised by the petitioners and the respondents.

6. The Senior Counsel appearing for the petitioners read out the prayers in the writ petition and submitted that, except by filing a writ petition under Article 226 of the Constitution of India, the petitioners have no alternative remedy to challenge the impugned orders. The Senior Counsel took me through the Sree Sankaracharya University of Sanskrit (Redressal of Grievances of Students) Regulations, 2023 (‘Regulations, 2023’ for brevity) and submitted that there is no provision under the Regulations, 2023 for challenging the impugned orders. The Senior Counsel then took me through the provisions in the Sree Sankaracharya University of Sanskrit Act, 1994 (‘Act, 1994’ for brevity) and submitted that the actions of the respondents are not supported by the Act, 1994. The Senior Counsel also took me through the provisions of



the Sree Sankaracharya University of Sanskrit Statutes, 1997 (‘Statutes, 1997’ for brevity) and submitted that the impugned orders were passed in violation of the provisions of the Statutes, 1997. The Senior Counsel took me through the facts of the case and the order appointing the Committee. Thereafter, the Senior Counsel took me through the hearing notice issued to the petitioners and submitted that the details of the complaint or the allegations against the petitioners are not mentioned in the notice. The Senior Counsel also submitted that the enquiry report does not discuss the materials collected. It is submitted that the enquiry officer recorded the witnesses' statements in the petitioners' absence, and that no memo of charges was issued to the petitioners. The Senior Counsel also submitted that, except for the findings and conclusions, the enquiry officer did not discuss the material on which those findings and conclusions were arrived. Therefore, it is submitted that the impugned proceedings are



unsustainable and the same may be set aside. The Senior Counsel relied on the judgment of this Court in ***P.M. Kurian v. Principal, Government Victoria College, Palghat*** **[1967 KHC 90]** to contend that the principles of natural justice must be followed in a disciplinary action initiated against a student.

7. On the other hand, the learned Senior Counsel appearing for the University took me through the pleadings in the writ petition and submitted that the contentions raised by the petitioners are not supported by the pleadings, and therefore the same may not be accepted. The Senior Counsel also took me through paragraph 9 of the Ext. P8 judgment of the Division Bench of this Court and submitted that the Division Bench found that the petitioners have insufficient attendance and, therefore, are not entitled to write the examination. The Senior Counsel also submitted that the petitioners have an alternative remedy as per the Regulations, 2023. The Senior Counsel also took me



through the averments in Exts. P1 and P2 F.I.Rs and submitted that serious allegations are made against the petitioners, and even in such circumstances, the University has taken a reasonable stand by allowing the students to rejoin their respective courses if they are ready to submit an apology. The Senior Counsel took me through the counter affidavit filed by the University and submitted that their antecedents are not good, and they have insufficient attendance to write the examination. The Senior Counsel also submitted that this Court's jurisdiction to interfere with matters relating to academic discipline is very limited. The Senior Counsel relied on the judgment of the Apex Court in ***Principal, Patna College, Patna and Ors. v. Kalyan Srinivas Raman*** **[1966 KHC 487]**, ***Vice Chancellor, Guru Ghasidas University v. Craig McLeod*** **[2012 KHC 4432]** and also the judgment of this Court in W.A. No.1992 of 2022.

8. Based on the above pleadings and the



contentions, the following important points are to be decided in this case:

1. Whether there is any alternative remedy available to the petitioners to challenge the impugned orders and, if so, whether the writ petition is maintainable?
2. If it is maintainable, whether the suspension, enquiry and consequential punishments imposed on the petitioners are sustainable?
3. If this Court finds that the suspension, enquiry and consequential punishments are unsustainable, what consequential orders can be passed by this Court?

Point No.1

9. The main contention raised by the respondent University is that the petitioners have an alternative remedy as per the Regulations, 2023 and



therefore this writ petition is not maintainable. The Regulations, 2023 are framed to provide opportunities for redressal of certain grievances of the students already enrolled in the University, as well as those seeking admission, and a mechanism thereto in accordance with the University Grants Commission (Redressal of Grievances of Students) Regulations, 2023 (‘UGC Regulations, 2023’ for brevity). The respondent University submitted that the grievance raised in this writ petition falls within the definition of ‘grievance’ under Regulation 3(1)(f)(xvi), (xvii) and (xviii) of the Regulations, 2023 and therefore the petitioners can approach the Students Grievance Redressal Committee (SGRC) constituted as per Regulation 5. It will be better to extract the above definition clauses in the Regulations, 2023 relied by the University:

> “**3. DEFINITION:**
>
> 1. In these regulations, unless the context otherwise requires-



> xxxx xxxx xxxx
>
> f. "grievance" means, and includes, complaint(s) made by an aggrieved student in respect of the following, namely:
>
> xxxx xxxx xxxx
>
> xvi. harassment or victimisation of a student, other than cases of harassment, which are to be proceeded against under the penal provisions of any law for the time being in force;
>
> xvii. any action initiated/taken contrary to the statutes, ordinances, rules, regulations, or guidelines of the university; and
>
> xviii. any action initiated/taken contrary to the regulations and/or guidelines made/issued by the Commission and/or the regulatory body concerned."

10. Regulation 3(1)(f)(xvi) says about the harassment or victimisation of a student, other than cases of harassment, which are to be proceeded against under the penal provisions of any law for the time being in force. The petitioners contend that the impugned order of suspension is illegal and will not



stand in the eyes of law because it violates the principles of natural justice.

11. It is not clear from the above definition whether the same covers cases where there is alleged harassment or victimisation of a student by the University authorities. If so, the situation will be that, against an allegation of harassment or victimisation of a student by the University, the SGRC constituted by the University itself will hear it. Then, it will be an appeal from “Caesar to Caesar's wife”, as observed by the Apex Court in **Ram and Shyam Company v. State of Haryana [(1985) 3 SCC 267]**. In such circumstances, prima facie, the remedy to approach the SGRC, based on the definition clause of ‘grievance’ under Regulation 3(1)(f)(xvi), is not efficacious. Moreover, the petitioners' first contention is based on the illegalities of the order, raising the principles of natural justice. If there is a violation of the principles of natural justice, this Court can interfere. Then Regulation 3(1)(f)(xvii) of the



Regulations, 2023 deals with 'any action initiated/taken, contrary to the statutes, ordinances, rules, regulations or guidelines of the University'. Admittedly, the Act, 1994, or the Regulations, 2023, do not contain any provision dealing specifically with suspension, enquiry, punishment, etc., of a student for indiscipline on campus, except certain general provisions, which I will consider later. Hence, when there is no specific provision for the same to say that there is a violation, it is difficult to say that the ‘grievance’ mentioned in Regulation 3(1)(f)(xvii) of the Regulations, 2023 is also attracted in this case, so that the petitioner can raise the ‘grievance’ as per the Regulations, 2023 before the SGRC. Then, what remains is Regulation 3(1)(f)(xviii). It deals with 'any action initiated/taken contrary to the regulation and guidelines made/issued by the commission and/or the regulatory body concerned.’ It also does not specifically address the students' remedy to challenge the suspension and consequential



punishment. It is true that, if Regulation 3(f) is stretched, it cannot be ruled out that the petitioner cannot challenge the impugned orders before the SGRC. But, as I mentioned earlier, the SGRC is an authority appointed by the University. Similarly, the appellate authority, the Ombudsperson, is also appointed by the University. Here, the allegation leading to the suspension centres on an incident that occurred in a Syndicate meeting in which the Vice-Chancellor is also an aggrieved party. Therefore, I am of the considered opinion that the SGRC or the Ombudsperson may not be an appropriate person to decide the impugned orders, because the SGRC and the Ombudsperson are authorities appointed by the University and the impugned orders are issued by the University. In such circumstances, the remedies available will be like an appeal from “Caesar to Caesar's wife”, as observed by the Apex Court. Therefore, I am



of the considered opinion that there is no efficacious alternative remedy to the petitioners.

12. Even if there is an alternative remedy, it is a settled position that this Court can interfere if there is a violation of natural justice or if there is any serious illegality in which invocation of jurisdiction under Article 226 of the Constitution of India is necessary. The Apex Court in ***Benedict Denis Kinny and Another v. Tulip Brian Miranda and Others*** **[2020 KHC 6307]** considered this point and made the following conclusions in paragraph No.51:

> "51. .....In view of the foregoing discussions, we arrive at following conclusions: -
> (i) The power of judicial review vested in the High Courts under Art.226 and this Court under Art.32 of the Constitution is an integral and essential feature of the Constitution and is basic structure of our Constitution. The jurisdiction under Art.226 is original, extraordinary and discretionary. The look out of the High Court is to see whether injustice has resulted on account of any decision of a



constitutional authority, a tribunal, a statutory authority or an authority within meaning of Art.12 of the Constitution.

(ii) The Courts are guardians of the rights and liberties of the citizen and they shall fail in their responsibility if they abdicate their solemn duty towards the citizens. The scope of Art.226 is very wide and can be used to remedy injustice wherever it is found.

(iii) The power under Art.226 of the Constitution overrides any contrary provision in a Statute and the power of the High Court under Art.226 cannot be taken away or abridged by any contrary provision in a Statute.

iv) When a citizen has right to judicial review against any decision of statutory authority, the High Court in exercise of judicial review had every jurisdiction to maintain the status quo so as to by lapse of time, the petition may not be infructuous. The interim order can always be passed by a High Court in exercise of writ jurisdiction to maintain the status quo in aid of the relief claimed so that at the time of final decision of the writ petition, the relief may not become infructuous.

v) It is true that requirement of submission of Caste Validity Certificate within a period of one year under S.5B of Mumbai Municipal



Corporation Act is mandatory requirement but in the facts of the case before us before the expiry of the period of six month, the Caste Scrutiny Committee had illegally rejected the claim necessitating filing of writ petition by aggrieved persons in which writ petition the interim relief was granted by the High Court. The power of the High Court to grant an interim relief in appropriate case cannot be held to be limited only for a period of one year, which was period envisaged in S.5B for submission of the Caste Validity Certificate. No such fetter on the power of the High Court can be read by virtue of provision of S.5B.

vi) There is no fetter in the jurisdiction of the High Court in granting an interim order in a case where caste claim of the respondents was illegally rejected before the expiry of period of six months and the High Court granted the interim order before the expiry of the period of six months, as then prescribed.

(vii) In the facts of the present case, the deeming fiction under S.5B of retrospective termination of the election could not come in operation due to the interim order passed by the High Court." ***(Underline Supplied)***



13. Similarly, in ***Hari B.S., Commandant v. Union of India*** **[2023 KHC 6388],** it was observed like this:

> “50. Art.226 of the Constitution is a succour to remedy injustice, and any limit on exercise of such power, is only self - imposed. Gainful reference can be made to, amongst others, A. V. Venkateswaran v. Ramchand Sobhraj Wadhwani, 1962 (1) SCR 753 and U P State Sugar Corporation Ltd. v. Kamal Swaroop Tandon, (2008) 2 SCC 41. The High Courts, under the Constitutional scheme, are endowed with the ability to issue prerogative writs to safeguard rights of citizens. For exactly this reason, this Court has never laid down any strait - jacket principles that can be said to have "cribbed, cabined and confined" [to borrow the term employed by the Hon. Bhagwati, J. (as he then was) in E P Royappa v. State of Tamil Nadu, AIR 1974 SC 555] the extraordinary powers vested under Art.226 or 227 of the Constitution. Adjudged on the anvil of Nawab Shaqafath Ali Khan (supra), this was a fit case for the High Court to have examined the matter threadbare, more so, when it did not involve navigating a factual minefield.”



14. Therefore, keeping in mind the above principle, it is clear that, even if there is an alternative remedy, the High Court can invoke Article 226 of the Constitution of India, if there is injustice to a party or if there is blatant violation of natural justice. Similarly, when there are no specific and clear provisions to challenge an illegal order, this Court can invoke Article 226 of the Constitution of India. Hence, the petitioners are justified in invoking the powers under Article 226 of the Constitution of India against the impugned orders.

Point No. 2

15. The petitioners challenge Exts. P3, P4, P10 and P11. Before I discuss the same, I will consider the relevant provisions of the Act, 1994 and the Statutes, 1997 which are applicable in this case.

16. Section 6 of the Act, 1994 deals with the admission to the University. Section 7 of the Act, 1994 deals with the powers and functions of the University. It



would be better to extract Section 7(xix) and (xxvi) of the Act, 1994.

> "7. Powers and functions of the University:— The University shall have the following powers and functions, namely:—
>
> xxxx xxxx xxxx
>
> (xix) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed by the University to be necessary
>
> xxxx xxxx xxxx
>
> (xxvi) to supervise and control the residence, conduct and discipline of the students of the University and to make arrangements for promoting their health, recreation and welfare."

17. From the above it is clear that the University has power to regulate and enforce discipline among the employees and students of the University and take disciplinary measures in this regard as may be necessary. The University also has the right to supervise and control the residence, conduct and discipline of the students of the University. Section 14



of the Act, 1994 deals with the powers and functions of the Syndicate. It will be better to extract Section 14(2) (t) and (u) of the Act, 1994:

> "14. Powers and functions of the Syndicate.—
> (2) Subject to the provisions of this Act and the Statutes, the Syndicate shall have the following powers, namely:—
> xxxx xxxx xxxx
> (t) to exercise supervision and control over the residence and discipline of students;
> (u) to withhold or cancel for sufficient reasons the result of any candidate at any examination or to withdraw or cancel for sufficient reasons, degrees, diplomas, titles, certificates and other academic distinctions granted by the University"

18. The above provision also says that the Syndicate can exercise supervision and control over the discipline of students. Therefore, the petitioners' contention that the University has no power to punish students for indiscipline, because there is no supporting provision in the Act, 1994 and the Statutes, 1997, will



not stand, and the same is rejected. But it is a fact that, even though powers exist, the procedure to be followed by the University and its Syndicate is not clear from the Act, 1994 and the Statutes, 1997. Section 41(1)(d) of the Act, 1994 says that, subject to the provisions of the Act and Statutes, the Syndicate shall have the power to make ordinances for the discipline of students. But admittedly, the Syndicate has not made any such ordinance. It is high time to frame such regulations. As far as the disciplinary Committee constituted by the University is concerned, I think that is also supported by the provisions in the Statutes. Chapter V of the Statutes, 1997 deals with the Syndicate. Statute 3 (xxii) is extracted hereunder:

> "3. Powers and duties – The Syndicate shall in addition to the powers and duties conferred and imposed on it by the Act and subject to the provisions thereof, have the following further powers and functions, namely –
>
> xxxx xxxx xxxx



> (xxii) subject to the provisions in the laws of the University, to appoint its own Committees and to delegate such powers as it deems fit to make its own orders and regulate the transaction of its own business."

19. From the above, it is clear that the respondents have the power to constitute a disciplinary committee also. Therefore, the petitioners' contentions that the Act and Statutes do not provide any provision for suspension, constitution of an enquiry committee, and to impose punishment cannot be accepted.

20. Now, I come to the facts of the case. Ext.P3 is the suspension order of the petitioners. It will be better to extract the relevant portion of the suspension order:

> "മേൽ പരാമർശം (1) പ്രകാരം 2026 ആഗസ്റ്റ് 13-ന് സിൻഡിക്കേറ്റ് യോഗത്തിനിടെ ഉണ്ടായ അനിഷ്ട സംഭവങ്ങളും സംഘർഷാവസ്ഥയും സംബന്ധിച്ച് 2026 ആഗസ്റ്റ് 22-ന് ചേർന്ന പ്രത്യേക സിൻഡിക്കേറ്റ് യോഗം സർവകലാശാലയുടെ അക്കാദമിക അന്തരീക്ഷത്തിനും അച്ചടക്കത്തിനും



ഭരണസംവിധാനത്തിന്റെ സുഗമമായ പ്രവർത്തനത്തിനും ഗുരുതരമായി ബാധിക്കുന്ന സംഭവത്തിൽ ഉൾപ്പെട്ട വിദ്യാർത്ഥികൾക്കെതിരെ കർശനമായ അച്ചടക്കനടപടികൾ സ്വീകരിക്കേണ്ടതിന്റെ ഭാഗമായി, സംഭവത്തിൽ ഉൾപ്പെട്ടതായി പ്രാഥമികമായി കണ്ടെത്തിയ 16 വിദ്യാർത്ഥികളെ അന്വേഷണ നടപടികൾ പൂർത്തിയാകുന്നതുവരെ സസ്പെൻഡ് ചെയ്യുന്നതിനുള്ള അടിയന്തര നടപടി സ്വീകരിക്കാൻ തീരുമാനിച്ചു. ആവശ്യമായ തുടർനടപടികൾ സ്വീകരിച്ച് തീരുമാനം നടപ്പാക്കുന്നതിനായി വൈസ് ചാൻസലറെ സിൻഡിക്കേറ്റ് ചുമതലപ്പെടുത്തി.

സംഭവത്തിൽ ഉൾപ്പെട്ട വിദ്യാർത്ഥികളെ സി.സി.ടി.വി visuals-ന്റെ അടിസ്ഥാനത്തിൽ, അതിന് ക്ഷമതയുള്ള ഉദ്യോഗസ്ഥർ തിരിച്ചറിഞ്ഞ് രേഖാമൂലം സമർപ്പിച്ച ലിസ്റ്റ്, രജിസ്ട്രാർ ഇ- മെയിൽ സന്ദേശത്തിലൂടെ പരാമർശം (2) പ്രകാരം അറിയിച്ചിട്ടുണ്ട് .

പരാമർശം (3) ലെ ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ സംഭവത്തിൽ ഉൾപ്പെട്ട താഴെ പറയുന്ന 16 വിദ്യാർത്ഥികളെ അന്വേഷണ നടപടികൾ പൂർത്തിയാകുന്നതുവരെ സസ്പെൻഡ് ചെയ്തുകൊണ്ട് ബഹു .വൈസ് ചാൻസലർ ഉത്തരവാകുന്നു”



21. From the above, it is clear that the suspension is based on the alleged untoward incident that happened on 13.08.2026. Ext.P4 is the University order appointing an enquiry committee. It would be better to extract the contents of Ext.P4:

> "മേൽ പരാമർശം പ്രകാരം 2026 ആഗസ്റ്റ് 13-ന് സിൻഡിക്കേറ്റ് യോഗത്തിനിടെ ഉണ്ടായ അനിഷ്ട സംഭവങ്ങളും സംഘർഷാവസ്ഥയും സംബന്ധിച്ച് 2026 ആഗസ്റ്റ് 22-ന് ചേർന്ന പ്രത്യേക സിൻഡിക്കേറ്റ് യോഗം ചർച്ച ചെയ്യുകയും സർവകലാശാലയുടെ അക്കാദമിക അന്തരീക്ഷത്തിനും അച്ചടക്കത്തിനും ഭരണസംവിധാനത്തിന്റെ സുഗമമായ പ്രവർത്തനത്തിനും ഗുരുതരമായി ബാധിക്കുന്ന ഇത്തരം സംഭവങ്ങൾ അംഗീകരിക്കാനാവില്ലെന്നും, സംഭവത്തിൽ ഉൾപ്പെട്ട വിദ്യാർത്ഥികൾക്കെതിരെ കർശനമായ അച്ചടക്കനടപടികൾ സ്വീകരിക്കേണ്ടതിന്റെ ഭാഗമായി, സംഭവത്തിൽ ഉൾപ്പെട്ടതായി പ്രാഥമികമായി കണ്ടെത്തിയ 16 വിദ്യാർത്ഥികളെ അന്വേഷണ നടപടികൾ പൂർത്തിയാകുന്നതുവരെ സസ്പെൻഡ് ചെയ്യുന്നതിനുള്ള അടിയന്തര നടപടി സ്വീകരിക്കാൻ സിൻഡിക്കേറ്റ് തീരുമാനിച്ചു. ആവശ്യമായ തുടർനടപടികൾ സ്വീകരിച്ച് തീരുമാനം നടപ്പാക്കുന്നതിനായി വൈസ് ചാൻസലറെ സിൻഡിക്കേറ്റ് ചുമതലപ്പെടുത്തി.



സംഭവത്തിന്റെ വസ്തുതകളും സാഹചര്യങ്ങളും സമഗ്രമായി പരിശോധിച്ച് റിപ്പോർട്ട് സമർപ്പിക്കുന്നതിനായി, സിൻഡിക്കേറ്റ് അംഗം അഡ്വ. കെ. ബി. സാബു, ഡോ. സലാഹുദ്ദീൻ പി. എം., പ്രൊഫ. കെ. ഉണ്ണികൃഷ്ണൻ, ഡോ. വിനീത് ആർ. എസ്, ഡോ. ജിനിത കെ എസ് എന്നിവർ അംഗങ്ങളായുള്ള അന്വേഷണ സമിതിയെയും സിൻഡിക്കേറ്റ് നിയോഗിച്ചു. അന്വേഷണ സമിതി സംഭവവുമായി ബന്ധപ്പെട്ട എല്ലാ വശങ്ങളും വിശദമായി പരിശോധിച്ച് വസ്തുതാപരമായ റിപ്പോർട്ട് സിൻഡിക്കേറ്റിന് സമർപ്പിക്കേണ്ടതാണ്.

മേൽ സിൻഡിക്കേറ്റ് തീരുമാനം സർവകലാശാലയിൽ നടപ്പിലാക്കിക്കൊണ്ട് ബഹു. വൈസ് ചാൻസലർ ഉത്തരവാകുന്നു.

അപ്രകാരം ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു"

22. From the above, it is clear that the committee is directed to enquire about the alleged untoward incident that happened on 13.08.2026. A perusal of Ext.P3 does not show what exactly happened on 13.08.2026. In Ext.P4, the order appointing the Enquiry Committee does not clearly state the details of the alleged incident that happened on 13.08.2026, which is



to be enquired into. Thereafter, a memo is issued to the petitioners allowing them to participate in the hearing, as evident from Ext.P5. It will be better to extract the relevant portion of Ext.P5:

> "സൂചന പ്രകാരം സർവകലാശാലയുടെ അക്കാദമിക അന്തരീക്ഷത്തെയും അച്ചടക്കത്തെയും ഭരണ സംവിധാനത്തിന്റെ സുഗമമായ പ്രവർത്തനത്തെയും ഗുരുതരമായി ബാധിക്കുന്ന സംഭവത്തിൽ ഉൾപ്പെട്ട അന്വേഷണ വിധേയമായി സസ്പെൻഡ് ചെയ്ത 16 വിദ്യാർത്ഥികൾ, താഴെ ചേർത്തിരിയ്ക്കും പ്രകാരം, 29.09.2026, 30.09.2026 തീയതികളിൽ തങ്ങളുടെ ഹിയറിങ് ദിവസങ്ങളിൽ മാത്രം ക്യാമ്പസിൽ പ്രവേശിച്ച്, സിൻഡിക്കേറ്റ് നിയോഗിച്ച അന്വേഷണസമിതി മുൻപാകെ ഹാജരാകേണ്ടതാണ്."

23. From the above, it is clear that the memo also only states that a hearing is going to be conducted in connection with the suspension of the petitioners for the alleged untoward incident mentioned in Ext.P3



suspension order. The details of the incident are not mentioned. Admittedly, no memo of charges was given to the petitioners, who are the students, against whom the allegations are raised. The petitioners, in effect, participated in the hearing without knowing the memo of charges against them. Ext.P10 is the report of the Enquiry Committee. A perusal of Ext.P10 does not show that the statements recorded by the Committee, on which the conclusions are based, were recorded in the petitioners' presence. No opportunity was given to the petitioners to rebut the statements of the witnesses recorded by the Committee, which leads to Ext.P10. As I mentioned earlier, without a memo of charges, a notice was issued to the petitioners to participate in the hearing, and their statements were recorded. In Ext.P10, it is clearly stated that the petitioners deny the entire incident that led to their suspension. Therefore, *prima facie,* I am of the opinion that the Ext.P10 enquiry report will not stand because it violates the principles of



natural justice. If an enquiry is to be conducted based on the allegations, the students should be given a hearing notice showing the allegations against them, especially when no specific procedure is prescribed in the Act, 1994 and the Statutes, 1997 about the manner in which the enquiry is to be conducted. When there is no provision in the Act, 1994 and the Statutes, 1997, the authorities should adopt the normal procedure in an enquiry. A perusal of Ext.P10 would show that the statements of the petitioners and others were recorded separately by the Committee. Nothing in Ext.P10 shows that the statements of the witnesses recorded by the Committee were furnished to the petitioners so that they could rebut them. No opportunity was given to cross-examine those witnesses. In addition, a perusal of Ext.P4 shows that the Committee was constituted to enquire into the alleged untoward incident that happened on 13.08.2026. But a perusal of the report shows that it went beyond the purpose for which the



Committee was constituted. The Committee called for a report on the antecedents of the petitioners, as mentioned in paragraph 3 of the first heading in Ext.P10. There is no case to the respondents that the petitioners were given an opportunity to explain the antecedents relied on by the Committee while issuing such an order. Moreover, such an enquiry is not contemplated as per the Ext. P4 order, appointing the Committee. Similarly, in paragraph 4, after the first heading in Ext. P10, it is stated that the Committee also considered a complaint dated 14.08.2026 of P.R.O. Jaleesh Peter. The petitioners were not given any notice about the same. Nothing in Ext.P10 shows that the complaint of P.R.O. Jaleesh Peter was furnished to the petitioners. Again, it is stated that the Professor in Charge of examination, Dr V.K. Bavani, submitted a complaint on 02.05.2026 and the same was also considered by the Committee. A copy of that complaint was also not furnished to the petitioners. No



opportunity was given to the petitioners to rebut the same. As I stated earlier, the Committee was appointed as per Ext.P4 only for the alleged untoward incident that happened on 13.08.2026. In such circumstances, the Committee's finding based on the complaint of Dr V.K. Bavani cannot be accepted, especially when the same was not furnished to the petitioners, and they were not given an opportunity of hearing based on the complaint. The Vice Chancellor was examined online by the Committee. Admittedly, it was not in the presence of the petitioners. It is further stated that, as per the directions of the Vice Chancellor, a complaint of the Unit Secretary of the K.S.U. dated 03.10.2026 was also considered. That complaint was not furnished to the petitioners and, as per Ext.P4, the Committee has no authority to conduct an enquiry on that complaint also. Therefore, I am of the considered opinion that the Ext.P10 enquiry report is an *ex parte* unilateral decision of the Committee which cannot be accepted at all.

2026:KER:89409

24. Another important aspect about the validity of the Ext.P10 Committee is also to be noted at this stage. There are three main headings in Ext.P10. The first one is the procedure followed. The second is the findings, and third is the Committee's recommendations. An Enquiry Committee report should contain all the details about the procedure adopted, evidence collected, discussion on the evidence and thereafter the findings and the conclusion. In this case, the first portion of Ext.P10 deals with the procedures. It only states that the statements are recorded by the Committee from different persons, including the petitioners, and some other evidence is also collected by the Committee. Thereafter, the second heading of Ext.P10 is the findings. Before the findings, there is no consideration of the materials and evidence that lead to the findings. This is a fundamental component of an enquiry report. The Apex Court in ***Anil Kumar v. Presiding Officer and Others*** **[1985 KHC 663]**



considered a similar question. It will be better to extract the relevant portion of the same:

> “ 2. Appellant Anil Kumar s/o Shri Saldip Lal Mohan was employed, according to him, as Turner Grade 1, though all throughout he was paid wages as Turner Grade II. His service was terminated on June 1, 1970 on the report of an Enquiry Officer who had framed the following two charges against him :
> "(i) You were given the work of rethreading of spray pipe on 4-3-70, and the jobs of the repairs of three glanda were entrusted to you on 6-3-70. You neglected your duty and did not execute the above jobs for several days. The delay in the repairs put the factory to a considerable loss.
> (ii) You wilfully refused the lawful orders of the Assistant Engineer to make 6 Nos. Valves for Centrifugal Machine as per sample on 18-3-1970 and left the place of work thrice in the first half of 18-3-70. This is a serious case of misconduct, negligence of duty and indiscipline."
> The Enquiry Officer submitted his report. This report is produced at Ann. P10. First paragraph sets out the charges. Then the dates on which the enquiry was held have been set out. Follows the names of witnesses produced on behalf of the management. Then follows a statement that evidence of the appellant and his witnesses



were recorded. After that the report concludes as under :

"His non obeying of the instructions of his seniors and leaving the place of work without proper permission is a serious case of misconduct, negligence of duty and indiscipline."

There is a forwarding note at the foot of it. This is all the enquiry report. It is this report in a quasi judicial enquiry which has been accepted by the High Court as full and proper enquiry with full application of mind and a conclusion arrived at on judicious appraisal of evidence. The General Manager who accepted the report could not have been more vague than one could have been.

xxxx xxxx xxxx

xxxx xxxx xxxx

5. We have extracted the charges framed against the appellant. We have also pointed out in clear terms the report of the Enquiry Officer. It is well settled that a disciplinary enquiry has to be a quasi judicial enquiry held according to the principles of natural justice and the Enquiry Officer has a duty to act judicially. The Enquiry Officer did not apply his mind to the evidence. Save setting out the names of the witnesses, he did not discuss the, evidence. He merely recorded his ipse dixit that the charges are



proved. He did not assign a single reason why the evidence produced by the appellant did not appeal to him or was considered not creditworthy. He did not permit a peep into his mind as to why the evidence produced by the management appealed to him in preference to the evidence produced by the appellant. An enquiry report in a quasi judicial enquiry must show the reasons for the conclusion. It cannot be an ipse dixit of the Enquiry Officer. It has to be a speaking order in the sense that the conclusion is supported by reasons. This is too well settled to be supported by a precedent. In Madhya Pradesh Industries Ltd. v. Union of India, (1966 (1) SCR 466 : AIR 1966 SC 671), this Court observed that a speaking order will at best be a reasonable and at its worst be at least a plausible one. The public should not be. deprived of this only safeguard. Similarly in Mahabir Prasad v. State of Uttar Pradesh (1971 (1) SCR 201 : AIR 1970 SC 1302), this Court reiterated that satisfactory decision of a disputed claim may be reached only if it be supported by the most cogent reasons that appealed to the authority. It should all the more be so where the quasi judicial enquiry may result in deprivation of livelihood or attach a stigma to the character. In this case the enquiry report is an order sheet which merely produces



> the stage through which the enquiry passed. It clearly disclosed a total non application of mind and it is this report on which the General Manager acted in terminating the service of the appellant. There could not have been a gross case of non application of mind and it is such an enquiry which has found favour with the Labour Court and the High Court.
>
> 6. Where a disciplinary enquiry affects the livelihood and is likely to cast a stigma and it has to be held in accordance with the principles of natural justice, the minimum expectation is that the report must be a reasoned one. The Court then may not enter into the adequacy or sufficiency of evidence. But where the evidence is annexed, to an order sheet and no correlation is established between the two showing application of mind, we are constrained to observe that it is not an enquiry report at all. Therefore, there was no enquiry in this case worth the name and the order of termination based on such proceeding disclosing non application of mind would be unsustainable."

25. Paragraph 2 of the above judgment deals with the facts of the case. In paragraph 5, the Apex Court clearly stated that a disciplinary enquiry must be



a quasi-judicial enquiry held according to the principles of natural justice, and the Enquiry Officer has a duty to act judicially. In this case also, the Committee has not considered the evidence available before arriving at its findings and recommendations. The findings have already been arrived at without any discussion. In my view, the enquiry report is to be rejected for the simple reason that it is not a speaking order, in addition to the other reasons mentioned above. Therefore, for that reason alone, Ext.P10 Committee report is to be rejected.

26. Moreover, as I mentioned earlier, there is no memo of charges given to the petitioners for defending their case. Ext.P3 is the suspension order in which it is only stated that they were suspended based on an untoward incident that happened on 13.08.2026. Ext.P5 is the hearing notice given to the petitioners, in which also, it is only stated that a hearing is going to be conducted in connection with the alleged untoward



incident that happened on 13.08.2026. No memo of charges was furnished to the petitioners. The details mentioned in Ext.P10 were not furnished to the petitioners. In such circumstances, as I said earlier, Ext.P10 is nothing but a unilateral decision of the Committee constituted by the University behind the back of the petitioners. Admittedly, the members of the Committee are all Syndicate members. Therefore, the members of the Committee are not independent authorities either. In such circumstances, I cannot accept Ext.P10 for a moment, and consequently the punishment imposed on the petitioners is also unsustainable based on such an enquiry report. This Court in **P.M. Kurian's Case** (supra) considered a similar point, which is extracted hereunder:

> " 1. The appellant before us is a student of the Government Victoria College, Palghat. The main question raised before us is whether there has been violation of the principles of natural justice in the procedure adopted in the petitioner being 'detained' in the First Year Degree Course. The

learned Judge who heard the writ application felt that because the petitioner did not reply to Ext. P1 notice there was no obligation cast on the authorities to afford any further opportunity to the appellant and that there was no violation of any principles of natural justice. He accordingly dismissed the writ application.

2. A few facts may be stated. The petitioner received a memo, Ext. P1 which is in these terms:

"It has been reported that you have resorted to malpractice during the annual examinations. You are directed to explain in writing why disciplinary action shall not be taken against you. You should submit your explanation to the undersigned on or before 15 4 1966. If no written explanation is forthcoming, it will be presumed that you have no remarks to offer."

This memo is dated 6 4 1966 and it is admitted that no explanation whatever was given by the petitioner to the Principal under whose signature the memo was issued. The reason for the silence is said to be that the nature of the memo was such that no intelligent explanation was possible. Counsel on behalf of the appellant pointed out that when it is said "that you have resorted to malpractice during the annual examination" it is not possible to give any valid

explanation. The learned Judge who heard the case felt that this memo was vague, indefinite and did not convey to the appellant any particular charge which could be explained. This is so. But we are definitely of the view that the appellant should have written for clarification. We cannot but state that the method adopted by the appellant of consulting a lawyer as to what should be done is extremely inappropriate. Even so, we have, to consider the question as to whether there has been violation of the principles of natural justice untrammelled by the conduct of the appellant because we feel it is fundamental that actions on persons like the appellant whose career may be blighted by actions such as that which has been taken against the appellant and which would affect not only his reputation but his entire career must be taken only after complying strictly with the principles of natural justice.

3. That this memo is vague there can be no doubt and we agree with the learned Judge who so observed. The mere non participation of the appellant in the further proceedings if any, cannot preclude the appellant from contending that the conclusion has been reached without affording an opportunity to the appellant to state his case in regard to whatever be the misconduct that the authorities had in mind and



which they thought that the appellant was guilty of. The principles in regard to this matter, we find, have been stated in a decision of the Supreme Court and it is not contended before us that that principle cannot be applied to the facts of this case. Reference may be made to the decision in Board of High School and Intermediate Education, U. P. Allahasad v. Ghanbhyam Das Gupta and others reported in AIR 1962 SC 1110. The relevant passage runs thus:

"The effect of the decision of the Committee may in an extreme case blast the career of a young student for life and in any case will put a serious stigma on the examinee concerned which may damage him in later life. The nature of misconduct which the Committee has to find under R.1 (1) in some cases is of a serious nature, for example, impersonation, commission of fraud, and perjury; and the Committee's decision in matters of such seriousness may even lead in some cases to the prosecution of the examinee in courts. Considering therefore the serious effects following the decision of the Committee and the serious nature of the misconduct which may be found in some cases under R.1 (1) it seems to us that the Committee must be held to act judicially in circumstances as these. Though therefore there is nothing



express one way or the other in the Act or the Regulations casting a duty on the Committee to act judicially, the manner of the disposal, based as it must be on materials placed before it, and the serious effects of the decision of the Committee on the examinee concerned, must lead to the conclusion that a duty is cast on the Committee to act judicially in this matter particularly as has to decide objectively certain facts which may seriously affect the rights and careers of examinees, before it can take any action in the exercise of its power under R.1 (1): We are therefore of opinion that the Committee when it exercises its powers under R.1 (1) is acting quasi judicially and the principles of natural justice which require that the other party, (namely, the examinee in this case) must be heard, will apply to the proceedings before the Committee."

4. If the appellant has therefore to be heard and the proceedings before the authorities were of a quasi judicial nature, there can be no doubt that the appellant must be told in the first instance with what he is charged and this must be in clear and unambiguous terms. The proceedings in this case are vitiated in that this has not been done. This is a fundamental error and everything that followed however bona fide that may be, is equally vitiated because the



> appellant has been denied an opportunity to state his case regarding the charges against him.
>
> 5. On this short ground we allow this appeal and set aside the detention of the appellant. This will not stand in the way of fresh steps being taken in an appropriate manner and in accordance with law against the appellant, if so advised.
>
> 6. We cannot possibly postulate the outcome of any such proceedings, if any such proceeding is taken. In the meantime, we do not want the student to lose the benefit of one year. We therefore consider it imperative that the appellant must be permitted to attend the Second Year Course and continue his studies. We direct accordingly. We make it clear that such attendance of the appellant which we have permitted will not confer any right on the appellant in case it is found that he is guilty and liable to the punishment of 'detention'.
>
> 7. This Writ Appeal is ordered on the above terms. There will be no order regarding costs."
>
> **(*Underline supplied)***

27. In the present case in hand also, there is absolutely no memo of charges furnished to the petitioners, there is no finding of fact in the enquiry



report, and simply the petitioners were punished based on an enquiry report stating that the charges are proved. No one can be punished based on a unilateral enquiry report which does not follow the basic principles of natural justice. A perusal of Ext.P11 shows that the decisions were taken based on the Ext.P10 enquiry report. Therefore, I am forced to quash all the impugned orders.

Point No.3

28. Now, I find that the suspension, enquiry report and consequential order are to be set aside. What is the next direction that can be issued by this Court? The Senior Counsel appearing for the University submitted that the petitioners cannot attend the examination because they have no attendance. I cannot agree with the above submission for the following reasons. This Court, as per the Ext.P7 interim order, allowed the petitioners to write the examination subject to the result of the writ petition. The University



challenged the same by filing W.A. No.2276 of 2026. The above Writ Appeal was allowed, and the Ext.P7 order was set aside. It will be better to extract the concluding portion of the Ext. P8 judgment of the Division Bench in W.A. No.2276 of 2026:

> "37. By the impugned interim order dated 30.10.2026 in I.A.No.2 of 2026 in W.P.(C)No.35256 of 2026, the learned Single Judge directed the University to accept the necessary examination fee and permit the petitioners (i.e., petitioners other than Ph.D Research Scholars) to appear for the ensuing examinations, which are scheduled to commence from 04.11.2026, as per Ext.P6 notification issued by the University. By issuing such an interim order, the learned Single Judge permitted the petitioners, who have not submitted the required application in the manner prescribed in Ext.P6 notification, who do not have the entitlement to appear for such examinations as per the relevant Regulations, going by the pleadings in the writ petition. Such an order passed by the learned Single Judge in an interlocutory application moved on 30.10.2026, as 'today motion', even without affording the learned Standing Counsel for the University an opportunity to get necessary instructions, which substantially



> affects and touches upon the substantial rights of the respondents therein, is an order against which an intra-court appeal under clause (i) of Section 5 of the Kerala High Court Act is maintainable, in view of the law laid down in the decisions referred to supra. ”

29. The petitioners challenged the same before the Apex Court. Ext.P9 is the order dated 05.11.2026, passed by the Apex Court in Special Leave to Appeal No. 39164 of 2026. It would be better to extract the contents of Ext.P9.

> “1. While we are not inclined to interfere with the impugned order, we request the learned Single Judge to take up and dispose of the pending writ petition expeditiously.
>
> 2. We also record the statement of Mr. P.S. Sudheer, learned counsel appearing on behalf of the University, that, in the event High Court holds favorable order in favour of the petitioners, the University will hold separate examination for the petitioners.
>
> 3. With these observations, the Special Leave Petition stands disposed of.
>
> 4. Pending application(s), if any,



shall stand disposed of."

30. From the above, it is clear that the Apex Court has not interfered with Ext.P8 order. But the University gave an unconditional undertaking before the Apex Court that, if the High Court passes favourable orders in favour of the petitioners, the University will hold a separate examination for the petitioners. This Court has now found that the suspension order is illegal. The University has not given any conditional undertaking before the Apex Court that, if the petitioners are qualified to write the examination, a separate examination will be held if the High Court has passed favourable orders. In this writ petition, the main relief is found in favour of the petitioners, and it is found that the guilt and punishment are illegal and violate the principles of natural justice. So the suspension order is completely erased. Some of the petitioners have a case that, if the suspension had not been there, they could have attained attendance. Even

2026:KER:89409

otherwise, the University cannot violate the unconditional undertaking it gave before the Apex Court; if so, it may even amount to contempt. The Senior Counsel appearing for the University took me through paragraphs 31 to 46 of the counter affidavit and submitted that the petitioner Nos. 1, 7, 8, 9, 11, 12, 13, 14, 15 and 16 are not eligible to write the examination because of the shortage of attendance. I can understand if the University undertakes before the Apex Court that a separate examination will be conducted if they are eligible to write the examination, once the High Court hold favourable orders. The main challenge in the writ petition is against the suspension and consequential punishment based on an illegal enquiry. That is found by this Court in favour of the petitioners. Therefore, the University cannot violate the undertaking given before the Apex Court; consequently, the petitioners who missed the examination have to write the examination, and the University has to



conduct a fresh examination for them.

31. The Senior Counsel appearing for the University also took me through the judgments of the Apex Court in ***Principal, Patna College's case*** **(supra)*, Vice Chancellor, Guru Ghasidas University's case*** **(supra)*, State of Tripura v. Manoranjan Chakraborty and Ors*** **[2001 KHC 1305]** etc., and submitted that this Court cannot interfere in disciplinary proceedings initiated against the students for indiscipline. There is no dispute to the above principles. But here, this Court found that the impugned orders are unsustainable for the simple reason that they violate the principles of natural justice. Therefore, in such cases, this Court can step in to protect the interests of the students and hence decided to set aside the impugned orders. But I make it clear that this Court set aside the impugned proceedings mainly because the principles of natural justice were violated. But this will not stand in the way of the



University in initiating fresh proceedings in accordance with law, if the University intends to do so. But before doing so, the University should remember the "Voltairean principles". The students were agitating for a cause that, according to the University, led to violence, and the University has a case that the cause for agitation is also not genuine. Violence has no place in a college campus, and the university is right in taking steps if there is any violence. Now the petitioners have been under suspension for the last 84 days. That itself is a punishment. Is it not enough? The cause of the agitation may not be acceptable to the University, but their right to agitate ought not be crushed by imposing punishment that will cost them their academic career, especially when the students have been under suspension for the last 84 days. The "Voltairean principle" is like this:

> "***I disapprove of what you say, but I will defend to the death your***



right to say it."

32. The above principle separates agreement with an opinion from the protection of the right to express it. You may reject an argument, criticise it rigorously or find it offensive while still opposing the suppression or persecution of the person expressing it. The students may agitate with different slogans. But it should not lead to violence. The University can definitely restrict it if it turns violent. But the authorities should not be sensitive about that. The students might have committed mistakes. But after all, they are youngsters and students, and their future should also be considered. To forgive is not to diminish oneself, but to uphold one's dignity. I will conclude this judgment by narrating three examples for the same.

33. The first one is a response from our former Prime Minister of India, Dr Manmohan Singh, in a similar situation. When the former Prime Minister, Dr Manmohan Singh, was attending a function at Jawaharlal Nehru University, New Delhi, he invoked the Voltairean principle of free speech, emphasising the



importance of defying suppression and respecting democratic rights. The then Prime Minister was visiting the JNU campus in Delhi to unveil a statue of former Prime Minister Jawaharlal Nehru. Students protested and raised slogans to interrupt the Prime Minister's function. The incident led to a show-cause notice being issued to the students by the University. The Prime Minister intervened and suggested to the then Vice Chancellor to be lenient with the students. It seems that Dr Manmohan Singh quoted the French philosopher Voltaire. (*reliance on The Economic Times, dated 27.12.2024*).

34. The second incident is in connection with the students' protest at Jantar Mantar, Delhi, recently and the video uploaded by the Hon'ble Prime Minister in connection with the same. The Hon'ble Prime Minister, Sri Narendra Modi, uploaded that video on 31.07.2026 on his official 'X' account (Twitter) and Instagram account. The main contents of the video are like this:

> ***".....****These are misled children. Showing them the right path is our duty. ...Punishing them,*



making them run around courts or tormenting them in society will not change the situation. .....I want to forgive them; I hope society also accepts this state of mind"

35. Lastly, the attitude of the former Chief Minister of Kerala, Late Sri. E.M.S. Namboodirippadu. In a recent interview, the present Speaker of the Kerala Legislative Assembly, Sri. Thiruvanchoor Radhakrishnan, speaks about his student days and his politics. He said that when he and other students disrupted a function attended by the then Chief Minister, Sri. E.M.S. Namboodirippadu, at Kottayam, and the Chief Minister was unable to leave the hall; the authorities were forced to demolish a compound wall to take the Chief Minister in his car from the venue, and that was the strength of the protest. The police took all the students into custody. But the Chief Minister directed the police not to register any case against the students, and the students' grievance was solved the next day at the initiative of the Chief Minister himself.

36. I mentioned these three instances only as



examples. The University can do anything. If they want to conduct an enquiry against the students again, they can do so. As I said earlier, Forgiveness is not a sin; it is an affirmation of human dignity. I leave it there. But I make it clear that, if a second enquiry is ordered, the petitioners shall not be placed on suspension pending enquiry, as they were already suspended for about 84 days. Moreover, if any further enquiry is conducted and any punishment is to be imposed, the continued suspension for about 84 days should be looked into while deciding the punishment. But as I held earlier, the University shall hold a separate examination for the petitioners 1, 7, 8, 9, 11, 12, 13, 14, 15 and 16, who alone lost the examination, and the second enquiry shall not be a reason for denying the same. The other petitioners are all PhD Research Scholars, and they have not lost any examination.

Therefore, this Writ Petition is disposed of, in the following manner:

1. Exts.P3, P4, P10 and P11 are set aside. The petitioners shall be allowed to enter



the campus of the respondent University and attend regular classes forthwith.

2. The respondents shall hold a separate examination for petitioner Nos. 1, 7, 8, 9, 11, 12, 13, 14, 15 and 16 as undertaken before the Apex Court, as evident from Ext. P9, as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a certified copy of this judgment.

3. I make it clear that, if the University wants to conduct a fresh enquiry against the petitioners, this judgment will not stand in the way of the University. But I make it clear that, if any fresh enquiry is conducted, the petitioners need not be suspended again, pending enquiry, and after the enquiry, if it is found that the petitioners are guilty, the continued suspension of the petitioners for 84 days should be taken into consideration while

2026:KER:89409

imposing punishment, if any. I also make it clear that, if any second enquiry is ordered, that cannot be a reason not to hold a separate examination as undertaken before the Apex Court in Ext. P9.

Sd/-

P.V.KUNHIKRISHNAN
JUDGE

DM

Judgment reserved	18.11.2026
Date of judgment	23.11.2026
Judgment dictated	19.11.2026
Draft Judgment Placed	19.11.2026
Final Judgment Uploaded	23.11.2026

CNR : KLHC010777642026

2026:KER:89409

APPENDIX OF WP(C) NO. 35256 OF 2026

PETITIONER EXHIBITS

EXHIBIT-P1	**A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 735 OF 2026 OF KALADY POLICE STATION**
EXHIBIT-P2	**A TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 744 OF 2026, REGISTERED WITH KALADI POLICE STATION**
EXHIBIT-P3	**A TRUE COPY OF THE ORDER DATED 01.09.2026 OF THE RESPONDENT SUSPENDING THE PETITIONERS**
EXHIBIT-P4	**A TRUE COPY OF THE ORDER DATED 01-09-2026 ISSUED BY THE STUDENT SERVICE WING OF THE FACULTIES OF THE UNIVERSITY CONSTITUTING AN ENQUIRY COMMITTEE FOR THE PURPOSE OF SUBMITTING A FACTUAL REPORT BEFORE THE SYNDICATE**
EXHIBIT-P5	**A TRUE COPY OF THE MEMO DATED 22.09.2026, ISSUED BY THE STUDENT SERVICE WING OF THE 1ST RESPONDENT UNIVERSITY**
EXHIBIT-P6	**A TRUE COPY OF THE NOTIFICATION DATED 03.10.2026 ISSUED BY THE 1ST RESPONDENT UNIVERSITY**
EXHIBIT P7	**A TRUE PHOTOCOPY OF THE ORDER DATED 30.10.2026 IN I.A. NO. 2 OF 2026 WP(C). 35256 OF 2026 ISSUED BY THE HON'BLE HIGH COURT OF KERALA**
EXHIBIT P8	**A TRUE COPY OF THE JUDGMENT DATED 03.11.2026 OF THIS HON'BLE COURT IN WRIT APPEAL NO. 2276 OF 2026**
EXHIBIT P9	**A TRUE PHOTOCOPY OF THE ORDER DATED 05.11.2026 OF THE HON'BLE SUPREME COURT IN SLP (CIVIL) NO. 39164 OF 2026**
EXHIBIT P10	**A TRUE COPY OF THE ENQUIRY REPORT DATED 26.10.2026 ISSUED BY THE ENQUIRY COMMITTEE**
EXHIBIT P11	**A TRUE COPY OF THE RELEVANT EXTRACT**

OF THE MINUTES OF THE SYNDICATE MEETING HELD ON 02.11.2026

RESPONDENT EXHIBITS

EXHIBIT-R1(A)	**A TRUE COPY OF THE REPORT OF THE ENQUIRY COMMITTEE DATED 26.10.2026.**
EXHIBIT-R1(B)	**A TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE SYNDICATE MEETING DATED 02.11.2026.**
EXHIBIT-R1(E)	**THE COMMUNICATION ISSUED BY THE HEAD OF THE DEPARTMENT OF THEATRE DATED 17.08.2026.**
EXHIBIT-R1(F)	**A TRUE COPY OF THE SAID COMPLAINT DATED 15.08.2026 SUBMITTED BY THE VICE CHANCELLOR.**
EXHIBIT-R1(G)	**TRUE COPY OF THE ORDER NO. 03237/SSC1/SSUS/2024(1) DATED 18.11.2024.**
EXHIBIT-R1(H)	**TRUE COPY OF THE ORDER NO. 03237/SSC1/SSUS/2024(1) DATED 08.09.2025.**
EXHIBIT-R1(C)	**TRUE COPY OF THE ORDER NO. 03000/SSC1/SSUS/2026(1) DATED 09.11.2026.**
EXHIBIT-R1(D)	**TRUE COPY OF THE ORDER NO. 03000/SSC1/ SSUS/2026(2) DATED 09.11.2026.**
EXHIBIT-R1(I)	**TRUE COPY OF THE ORDER NO. 00076/SSC1/SSUS/2026(1) DATED 24.01.2026**
EXHIBIT-R1(J)	**TRUE COPY OF THE ORDER NO. 00076/SSC1/SSUS/2026(1) DATED 08.05.2026**
EXHIBIT-R1(K)	**TRUE COPY OF THE ORDER NO. 02691/SSC1/ SSUS/2023(1) DATED 08.09.2023.**
EXHIBIT-R1(L)	**TRUE COPY OF THE ORDER NO. 02691/SSC1/SSUS/2023(1) DATED 04.03.2024**
EXHIBIT-R1(M)	**TRUE COPY OF THE ORDER NO. 00854/SSC1/SSUS/2024(1) DATED 23.02.2024.**



EXHIBIT-R1(N)	**TRUE COPY OF THE ORDER NO. 00854/SSC1/SSUS/2024(2) DATED 29.06.2024.**
EXHIBIT-R1(O)	**A TRUE COPY OF THE JUDGMENT DATED 03.11.2026 IN W.A. NO. 2276 OF 2026 PASSED BY THIS HONOURABLE COURT.**
EXHIBIT-R1(P)	**TRUE COPY OF THE SAID JUDGMENT DATED 05.11.2026 IN S.L.P NO. 39164/2026 PASSED BY THE HONOURABLE SUPREME COURT.**
EXHIBIT-R1(Q)	**TRUE COPY OF THE EMAIL COMMUNICATION ISSUED BY THE REGISTRAR TO THE HEAD OF DEPARTMENTS DATED 11.11.2026.**
EXHIBIT-R1(R)	**TRUE COPY OF THE RELEVANT EXTRACTS OF THE REGULATIONS FOR M.A. PROGRAMMES UNDER THE CBCSS AND OBTLE SYSTEM (SSUS-CBCSS-OBTLE-MA-2019.**
EXHIBIT-R1(S)	**THE RELEVANT EXTRACTS OF REGULATIONS FOR MSW PROGRAMME UNDER THE CBCSS AND OBTLE SYSTEM (SSUS-CBCSS-OBTLE-MSW-2019)**
EXHIBIT-R1(T)	**THE RELEVANT EXTRACTS OF SSUS REGULATIONS FOR FOUR-YEAR UNDERGRADUATE PROGRAMME (SSUS-FYUGP) 2024.**
EXHIBIT-R1(U)	**TRUE COPY OF THE RELEVANT EXTRACTS OF SREE SANKARACHARYA UNIVERSITY OF SANSKRIT MASTER OF FINE ARTS (MFA) DEGREE REGULATIONS, 2019.**
EXHIBIT-R1(V)	**TRUE COPY OF THE FIR IN CRIME NO. 427/2026 DATED 05.05.2026 REGISTERED BY KALADY POLICE STATION, ERNAKULAM RURAL DISTRICT.**
EXHIBIT-R1(W)	**TRUE COPY OF THE FIR IN CRIME NO. 246/2026 DATED 23.02.2026 REGISTERED BY KALADY POLICE STATION, ERNAKULAM RURAL DISTRICT.**
EXHIBIT-R1(X)	**TRUE COPY OF THE FIR IN CRIME NO. 1463/2025 DATED 11.10.2025 REGISTERED BY KALADY POLICE STATION, ERNAKULAM RURAL DISTRICT**
EXHIBIT-R1(Y)	**TRUE COPY OF THE FIR IN CRIME NO. 1261/2018 DATED 01.10.2018 REGISTERED**



	BY KALADY POLICE STATION, ERNAKULAM RURAL DISTRICT
EXHIBIT-R1(Z)	**TRUE COPY OF THE FIR IN CRIME NO. 378/2018 DATED 20.02.2018 REGISTERED BY KALADY POLICE STATION, ERNAKULAM RURAL DISTRICT.**
EXHIBIT-R1(AA)	**TRUE COPY OF THE ORDER NO. 02314/SSC3/ SSUS/2025(1) DATED 22.10.2025 ISSUED BY THE UNIVERSITY.**
EXHIBIT-R1(BB)	**TRUE COPY OF THE MEMO NO. 02314/SSC3/SSUS/2025(1) DATED 15.11.2025 ISSUED BY THE UNIVERSITY.**
EXHIBIT-R1(CC)	**TRUE COPY OF THE MINUTES DATED 5.12.2025.**
EXHIBIT-R1(DD)	**A TRUE COPY OF THE SAID COMPLAINT SUBMITTED BY THE PUBLIC RELATION OFFICER OF THE UNIVERSITY DATED 14.08.2026.**
EXHIBIT-R1(EE)	**TRUE COPY OF THE COMPLAINT SUBMITTED BY DR.V.K.BHAVANI, PROFESSOR IN CHARGE OF THE EXAMINATION AGAINST SOME OF THE PETITIONERS ON 04.05.2026.**
EXHIBIT-R1(FF)	**TRUE COPY OF THE MEMO DATED 05.03.2026.**
EXHIBIT-R1(GG)	**TRUE COPY OF THE REPORT OF THE ENQUIRY COMMITTEE DATED 20.01.2026.**
EXHIBIT R1(HH)	**A TRUE COPY OF ORDER NO. 01810/SSC1/SSUS/2025(1) DATED 16.05.2025 ISSUED BY THE UNIVERSITY.**
EXHIBIT R1(II)	**A TRUE COPY OF ORDER NO. 01810/SSC1/SSUS/2025(1) DATED 09.10.2025 ISSUED BY THE UNIVERSITY**
EXHIBIT R1(JJ)	**A TRUE COPY OF ORDER NO. 00464/SSC1/SSUS/2024(1) DATED 31.01.2024 ISSUED BY THE UNIVERSITY.**
EXHIBIT R1(KK)	**A TRUE COPY OF ORDER NO. 00464/SSC1/SSUS/2024(1) DATED 15.04.2024 ISSUED BY THE UNIVERSITY**
EXHIBIT R1(LL)	**A TRUE COPY OF ORDER NO. 00632/SSC1/SSUS/2026(1) DATED 06.04.2026**



EXHIBIT R1(MM)	**A TRUE COPY OF THE E-MAIL COMPLAINT DATED 09.10.2025 FILED BY THE STUDENTS' UNION OF THE UNIVERSITY**
EXHIBIT R1(NN)	**A TRUE COPY OF THE COMPLAINT NO. REG/MISC/SSUS/2026 DATED 09.11.2026 SUBMITTED BY THE REGISTRAR (IN-CHARGE) OF THE UNIVERSITY**