

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 13TH DAY OF JUNE 2022 / 23RD JYAISHTA, 1944

WP(C) NO. 23694 OF 2021

PETITIONERS:

- 1 GOURI DEV S.B., AGED 22 YEARS, D/O. SUDEVAN, B.SC PASS OUT STUDENT, SREE NARAYANA COLLEGE, CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-695587, RESIDING AT PAVITHRAM, ARUVIPURAM, MUTHUVILA P.O., THIRUVANANTHAPURAM-695610.
- 2 KRISHNANJANA S., AGED 21 YEARS, D/O. SANTHOSH, B.SC PASS OUT STUDENT, SREE NARAYANA COLLEGE, CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-695587.
- 3 REVATHY S. KRISHNAN, AGED 22 YEARS, D/O. KRISHNAN, B.SC PASS OUT STUDENT, SREE NARAYANA COLLEGE, CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-695587.
- 4 GANGA B., AGED 20 YEARS, D/O. BAIJU V.K., III YEAR B.SC (BOTANY) STUDENT, SREE NARAYANA COLLEGE, CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-695587.
- 5 ASHANTH SHAJI S., AGED 21 YEARS, S/O. SHAJI A, B.SC COURSE COMPLETED, SREE NARAYANA COLLEGE, CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-695587
- 6 SREYAS G.L., AGED 21 YEARS, S/O. GIREESHAN R., B.SC COURSE COMPLETED, SREE NARAYANA COLLEGE, CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-695587.

BY ADV J. JAYAKUMAR

RESPONDENTS:

- 1 UNIVERSITY GRANTS COMMISSION- UGC, BAHADUR SHA ZAFAR MARG, NEWDELHI-110002, REPRESENTED BY ITS SECRETARY.
- 2 THE VICE CHANCELLOR, UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM-695034.

- 3 THE PRINCIPAL, SREE NARAYANA COLLEGE,
CHEMBAZHANTHI, THIRUVANANTHAPURAM DISTRICT-
695587.
- 4 THE DIRECTOR GENERAL OF POLICE, POLICE HEAD
QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-
695036.
- 5 THE STATION HOUSE OFFICER, KAZHAKOOTTAM POLICE
STATION, KAZHAKOOTTAM P.O., THIRUVANANTHAPURAM-
695022.

BY ADVS.
SRI.S.KRISHNAMOORTHY, CGC
SHRI.THOMAS ABRAHAM, SC
SHRI.M.S.RADHAKRISHNAN NAIR
SMT RESMI THOMAS-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 13.06.2022, ALONG WITH WP(C).5450/2022,
26174/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 13TH DAY OF JUNE 2022 / 23RD JYAISHTA, 1944

WP(C) NO. 5450 OF 2022

PETITIONER:

ABHILASH T., AGED 39 YEARS
ASSISTANT PROFESSOR IN POLITICAL SCIENCE,
S.N. COLLEGE, CHEMPAZHANTHY,
THIRUVANANTHAPURAM, PIN - 695587

BY ADVS.
P.MOHANDAS (ERNAKULAM)
K.SUDHINKUMAR
S.K.ADHITHYAN
SABU PULLAN
GOKUL D. SUDHAKARAN
R.RAHMATHULLAH

RESPONDENTS:

- 1 THE DIRECTOR OF COLLEGIATE EDUCATION,
OFFICE OF THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM, PIN - 695033.
- 2 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOLLAM, PIN - 691013.
- 3 THE PRINCIPAL, S.N. COLLEGE, CHEMPAZHANTHY,
THIRUVANANTHAPURAM, PIN - 695587.
- 4 MANU REMAKANTH, ASSISTANT PROFESSOR IN ENGLISH,
S.N. COLLEGE, CHERTHALA, ALAPPUZHA, PIN - 688524.
- 5 ANAMIKA PRAJITH, KRA 154-A, TRAVANCORE THARWARD,
THRIKKANAPURAM, ESTATE P.O., THIRUVANANTHAPURAM,
PIN - 695019.

BY ADVS.
D.JAYAKRISHNAN
C.UNNIKRISHNAN (KOLLAM)
ANANDA PADMANABHAN
UTHARA A.S
MAHESH CHANDRAN
VIJAYKRISHNAN S. MENON
SHARON S.V.
SRI.THOMAS ABRAHAM - SC
SMT.RESMI THOMAS
SRI.M.S.RADHKRISHNAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 13.06.2022, ALONG WITH WP(C).23694/2021 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 13TH DAY OF JUNE 2022 / 23RD JYAISHTA, 1944

WP(C) NO. 26174 OF 2021

PETITIONER:

LAKSHMI A.J., AGED 4 YEARS, ASSISTANT PROFESSOR,
COMMERCE DEPARTMENT, S.N.COLLEGE, CHEMPAZHANTHY,
THIRUVANANTHAPURAM-695 587, RESIDING AT JAGATHY
HOUSE, SHANKUMUGHOM, BEACH P.O.,
THIRUVANANTHAPURAM-695 007.

BY ADVS.
RAGHUL SUDHEESH
K.J.GLAXON
J.LAKSHMI
AMAL JEES ALEX

RESPONDENTS:

- 1 THE PRINCIPAL, S.N.COLLEGE, CHEMPAZHANTHY,
THIRUVANANTHAPURAM-695 587.
- 2 THE MANAGER, SREE NARAYANA COLLEGE,
P.O.BOX NO.63, KOLLAM-691 001.
- 3 THE VICE CHANCELLOR, UNIVERSITY OF KERALA,
SENATE HOUSE CAMPUS, PALAYAM,
THIRUVANANTHAPURAM-695 034.
- 4 THE DIRECTOR OF COLLEGIATE EDUCATION,
DIRECTORATE OF COLLEGIATE EDUCATION,
6TH FLOOR, VIKAS BHAVAN, VIKAS BAHVAN P.O.,
THIRUVANANTHAPURAM-695 033.
- 5 THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
DEPUTY DIRECTORATE OF COLLEGIATE EDUCATION (SOUTH
ZONE), ST.THOMAS SHOPPING COMPLEX, NEAR ORTHODOX
BISHOP CHURCH, CROSS JUNCTION, KOLLAM-691 001.

6 STATE OF KERALA, REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF KERALA, 4TH FLOOR, ANNEX II, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

BY ADVS.
SRI.M.S.RADHAKRISHNAN NAIR
SRI.A.N.RAJAN BABU, SC,
SHRI.THOMAS ABRAHAM, SC
SMT.RESMI THOMAS - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.06.2022, ALONG WITH WP(C).23694/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 13TH DAY OF JUNE 2022 / 23RD JYAISHTA, 1944

WP(C) NO. 28149 OF 2021

PETITIONERS:

- 1 ANAMIKA PRAJIN, AGED 22 YEARS
D/O PRAJIN BABU A,
STUDENT B.A POLITICAL SCIENCE (2019-22),
RESIDING AT TRAVANCODE THARAVAD,
KRA 154A, THRIKKANAPURAM, ESTATE P.O.
TRIVANDRUM-695 019
- 2 NOWFIA NAZEER, AGED 21 YEARS,
D/O NAZEER KHAN A,
STUDENT B.A.POLITICAL SCIENCE (2019-22),
RESIDENT OF PUTHEN VILAYIL,
NSS MM JUNCTION, PANDALAM P.O.
PATHANAMTHITTA-689 501.
- 3 ADITHYA VIJAYAN, AGED 18 YEARS,
D/O K. VIJAYAKUMAR, STUDENT,
BA POLITICAL SCIENCE (2020-23),
RESIDENT OF KRISHNAVILASOM,
KEEIKUZHY, CHEMPAZHANTHY P.O.
TRIVANDRUM-695 587.
- 4 VINAYAK SANKAR A, AGED 22 YEARS
S/O AJITH KUMAR M, STUDENT ,
BA POLITICAL SCIENCE (2019-22),
RESIDENT OF ANJANEYAM VETTICODE,
VATTAPARA P.O.TRIVANDRUM-695 028.

BY ADVS.

C.UNNIKRISHNAN (KOLLAM)

D.JAYAKRISHNAN

SHARON S.V.

UTHARA A.S

ANANDA PADMANABHAN

MAHESH CHANDRAN

VIJAYKRISHNAN S. MENON

RESPONDENTS:

- 1 UNIVERSITY GRANTS COMMISSION (UGC)
REPRESENTED BY ITS SECRETARY,
BAHADUR SHA ZAFAR MARG, NEW DELHI-110002.
- 2 THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
SENATE HOUSE, CAMPUS, PALAYAM,
TRIVANDRUM-695 034.
- 3 THE DIRECTOR OF COLLEGIATE EDUCATION,
6TH FLOOR, VIKAS BHAVAN,
TRIVANDRUM-695 033.
- 4 THE PRINCIPAL, SREE NARAYANA COLLEGE,
CHEMPAZHANTHY, TRIVANDRUM-695 587.
- 5 THE INTERNAL COMPLAINTS COMMITTEE,
UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORK
PLACE (PREVENTION, PROHIBITION, AND REDRESSAL)
ACT 2013, AT SREE NARAYANA COLLEGE,
CHEMPAZHANTHY, TRIVANDRUM-695 587,
REPRESENTED BY ITS PRESIDING OFFICER
MS. BEENA LAKSHMI, ADVOCATE
- 6 MR. ABHILASH T, ASSISTANT PROFESSOR,
POLITICAL SCIENCE DEPARTMENT,
SREE NARAYANA COLLEGE, CHEMPAZHANTHY,
TRIVANDRUM-695 587
- 7 THE SREE NARAYANA COLLEGE
CHEMPAZHANTHY, TRIVANDRUM-695587,
REPRESENTED BY THE MANAGER.

BY ADVS.

SRI.S.KRISHNAMOORTHY, CGC
SHRI.THOMAS ABRAHAM, SC, UNIVERSITY OF KERALA
SRI.A.N.RAJAN BABU, SC, S.N. COLLEGE
M.S.RADHAKRISHNAN NAIR
SMT.RESMI THOMAS - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 13.06.2022, ALONG WITH WP(C).23694/2021 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 13TH DAY OF JUNE 2022 / 23RD JYAISHTA, 1944

WP(C) NO. 28734 OF 2021

PETITIONER:

DR. LEKHA. N.B, AGED 38 YEARS, ASSISTANT
PROFESSOR, (UNDER ORDER OF SUSPENSION),
DEPARTMENT OF SOCIOLOGY, SREE NARAYANA
COLLEGE, CHAMPAZHANTHY, RESIDING AT 216 F,
D.D.DIAMOND DISTRICT, PANGAPPARA,
THIRUVANANTHAPURAM-695581.

BY ADV P.C.SASIDHARAN

RESPONDENTS:

- 1 THE MANAGER, SREE NARAYANA COLLEGES,
P.O.BOX NO.63, KOLLAM-691001.
- 2 THE UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
SENATE HOUSE CAMPUS, PALAYAM,
THIRUVANANTHAPURAM-695034.
- 3 THE DIRECTOR OF COLLEGIATE EDUCATION,
DIRECTORATE OF COLLEGIATE EDUCATION,
6TH FLOOR, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695033.
- 4 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.

BY ADVS.
SRI.A.N.RAJAN BABU, SC, S.N. COLLEGE
SRI.THOMAS ABRAHAM
SMT.RESMI THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.06.2022, ALONG WITH WP(C).23694/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CR

JUDGMENT

Ironically, a gender sensitization programme conducted by the 'Sree Narayana College, Chempazhanthy' has become the genesis of all these writ petitions, in which, *inter alia*, allegations of sexual harassment are made against a faculty member by students.

2. I propose to dispose of all these matters together through this judgment because the facts and circumstances involved, as also the reliefs sought, are interdependent or entwined.

3. The petitioners in WP(C)No.26174/2021 and 28734/2021 (who will hereinafter be called 'Assistant Professors') as stated to have participated in an online programme called 'Veyil Pookkal', designed to sensitize the students on issues relating to gender justice and equality.

4. The College alleges that one of the speakers in the programme, a certain Smt.Swapna Gopinath, was an expelled

teacher, who had promoted drinking among lady teachers through certain social media platforms. They say that this was a deleterious influence on the students, particularly the girls; and that she, along with the “Assistant Professors” and certain other faculty members, devised a nefarious scheme against the petitioner in WP(C)No.5450/2022 – Sri.T.Abhilash, by encouraging certain girl students to hurl baseless sexual harassment charges against him.

5. The College says that they had constituted an Internal Complaints Committee (ICC), under the provisions of the University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015 (hereinafter referred to as “Regulations“ for short); and that the said Committee has entered a finding against the complainants, thus exonerating Sri.T.Abhilash, consequently, recommending action for such vexatious and motivated action by the former.

6. The afore report is the proximate cause of all these litigations.

7. The “Assistant Professors” have approached this Court because they were placed under suspension, through the orders impugned in WP(C)Nos.26174/2021 and 28734/2021, on the imputation that they had persuaded the girl students to make frivolous complaints against Sri.T.Abhilash; that they had, under the aegis of the 'Veyil Pookkal' programme, created ‘division’ among the students; and that they had positively responded to the Face Book post of the aforementioned Dr.Swapna Gopinath, in which she had ‘endorsed alcohol consumption and social drinking of female teachers’; thus that they had promoted debased moral standards, which is contrary to their responsibilities as teachers.

8. The “Assistant Professors” contend that the orders of suspension are per se illegal, since they have been issued even before the ICC had submitted their final report; and thus that the imputations against them were premeditated and without any corroborative basis.

9. While so, as said above, the ICC settled their report on 19.10.2021 (hereinafter referred to as 'ICC Report'),

exonerating Sri.T.Abhilash; and recommending action against complainants and the other faculty members, who may have been involved.

10. The girl students who made complainants against Sri.T.A.Abhilash have thus filed WP(C)Nos.28149/2021 and WP(C)No.23694/2021, seeking that the 'ICC Report' be quashed and the College be directed to release to them all their documents and certificates – including Conduct Certificates, without any endorsement of misdemeanour therein, alleging that these were denied to them solely on account of victimisation.

11. Finally, WP(C)No.5450/2022 has been filed by Sri.T.Abhilash against Ext.P5 therein, which is a proceedings of the Deputy Director of Collegiate Education finding him guilty of the complaints of sexual harassment, contending that the same is untenable, forensically incompetent and impermissible because the ICC had already exonerated him on 19.10.2021.

12. I have heard Dr.K.P.Sathisan, learned Senior Counsel, instructed by Sri.K.Sudhin Kumar – learned counsel appearing for the petitioner in WP(C)No.5450/2022; Sri.P.C.Sasidharan and

Smt.V.A.Mini – learned counsel appearing for the petitioners in WP(C)No.28734/2021 and WP(C)No.23694/2021 respectively; Sri.Raghul Sudheesh – learned counsel appearing for one of the ‘Assistant Professors’ who is the petitioner in WP(C)No.26174/2021; Sri.C.Unnikrishnan – learned counsel appearing for other ‘Assistant Professor’ who is the petitioner in WP(C)No.28149/2021; Sri.Thomas Abraham – learned Standing Counsel for the Kerala University; Sri.M.S.Radhakrishnan Nair – learned counsel appearing for the erstwhile Principal of the College and Smt.Resmi Thomas - learned Government Pleader appearing on behalf of the official respondents.

13. Dr.K.P.Sathisan, learned Senior Counsel appearing for Sri.T.Abhilash – petitioner in WP(C)No.5450/2022, began with a preliminary objection that the Writ Petitions filed by the girl students against the ‘ICC Report’ are not maintainable because they had participated in its processes and that, instead of invoking their appellate remedies against the same, they had earlier chosen to move the Chancellor of the University to get the matter again investigated through an Inspector General of

Police. He submitted that, after this, the students approached the Director of Collegiate Education, on the basis of which, Ext.P5 in WP(C)No.5450/2022 has been issued. He thus prayed that the Writ Petitions filed against the 'ICC Report' be dismissed.

14. I will deal with the afore contention of Dr.K.P.Sathisan shortly. However, before doing so, I must certainly advert to the most relevant facts compendiously.

15. As I have already recorded above, the controversy in question began with a gender sensitization program called 'Veyil Pookkal', allegedly conducted under the aegis of the College, subsequent to which, certain complaints were preferred by students against Sri.T.Abhilash, alleging sexual harassment. The College says that 'Veyil Pookkal' was not conducted with their permission, but that they had, in fact, objected to it, because the aforementioned Smt.Swapna Gopinath was one of the speakers and whose influence was deleterious to the students. On the contrary, the 'Assistant Professors', assert that 'Veyil Pookkal' was an online program, conducted with the permission of the College.

16. That being said, the singular objection of the College against 'Veyil Pookkal' was that Smt.Swapna Gopinath had earlier put up a post in a 'Whatsapp' group, allegedly encouraging drinking by women teachers; and therefore, that this amounts to moral depravity, influencing the students nocuously.

17. As far as the students are concerned, the College alleges that it is solely on account of the influence of the 'Veyil Pookkal' program that they were persuaded to file complaints against Sri.T.Abhilash; and thus that the final report of the ICC is irreproachable. On the afore basis, the College has suspended the two 'Assistant Professors', who are the petitioners in WP(C)No.28734/2021 and WP(C)No.26174/2021.

18. When I proceed to evaluate and examine the various facets of the aspects and issues involved, one thing is limpid that, in the orders of suspension of the teachers, the College does not say that they have participated in the 'Veyil Pookkal' program even after it was objected by them. They only say that the teachers had supported Smt.Swapna Gopinath in the past and had involved her in the said program, which created divisions

within the students and spurred certain girl students to file complaints against Sri.T.Abhilash.

19. Be that as it may, the report of ICC is challenged by the students on various grounds, including that its constitution was contrary to the 'Regulations'. Smt.V.A.Mini and Sri.C.Unnikrishnan, their learned counsel, were very vehement in their submissions that, since the ICC was headed by an Advocate, it falls foul of the prescriptions of the 'Regulations' and therefore, that, on that ground alone, it has to fail. As an alternative submission, the learned counsel submitted that the ICC was originally headed by Advocate Regina Maxypaul, who had participated in the processes until 4.10.2021, when she recused herself on account of personal inconvenience; but that instead of recommencing the enquiry, the College reconstituted the ICC through their order dated 8.10.2021 and that a new Advocate, by name Smt.Beena Lakshmi, was appointed, but who merely went along the other members and signed the 'ICC Report', which is evident from the fact that it was published within a period of 10 days, on 19.10.2021. They contend that

since Smt.Beena Lakshmi did not participate in the ICC proceedings at any point of time until 08.10.2021, her concurrence to the findings therein, are mechanical and without thought; and hence that the whole process is vitiated.

20. In response, Sri.M.S.Radhakrishnan Nair – learned counsel appearing for the erstwhile Principal of the College and Sri.Rajan Babu – learned Standing Counsel appearing for the College, submitted that, in fact, the ICC was originally constituted strictly as per the ‘Regulations’, with a senior faculty being its head; but that this was objected to by the students, which is evident from Ext.R3(d) produced along with the counter affidavit of the Principal in WP(C)No.23694/2021. They pointed out that the students had objected to the members of the ICC saying that they were all associated with the same Teachers’ Association in which Sri.T.Abhilash is also a member. They added that, it is, therefore, that the College issued Ext.R3(e), nominating Smt.Regina Maxypaul, Advocate, as the head of the ICC, which was accepted by the students, consequent to which, they participated in its processes. The learned counsel then

explained that, subsequently, Smt.Regina Maxypaul issued Ext.R3(i) dated 4.10.2021, saying that she is unable to continue further, which led to the reconstitution of the Committee through Ext.R3(j) with effect from 8.10.2021, with Adv.Beena Lakshmi as its head. They asserted that, therefore, the College has done nothing wrong in having constituted the ICC and in having conducted the processes.

21. On hearing the learned counsel for the College and the erstwhile Principal as afore, I asked Sri.Thomas Abraham – learned Standing Counsel for the University, about his client's view in this matter; and he submitted that, normally, the ICC ought to have been constituted strictly in terms of the 'Regulations', but that since the students did not agree to one of the faculty members being its head, the University felt that its reconstitution with Adv.Regina Maxypaul in such capacity was proper. However, as regards the second reconstitution on 8.10.2021, he conceded that, at that stage, the ICC ought to have commenced its processes; while the records would show that the new Committee continued for the next eight days and

settled their report on 19.10.2021. He thus submitted that, if this Court is so inclined, he would not stand in the way of orders being issued for a fresh ICC being constituted and it being allowed to enquire into the allegations and complete its proceedings thereon, in terms of the statutory scheme.

22. The afore submissions, in the context of pleadings and materials on records, persuade me to an opinion against the ‘ICC Report’ for more reasons than one. For the first, as rightly argued by Smt.V.A.Mini and Sri.Unnikrishnan, its constitution was not as per the ‘Regulations’. However, there is also force in the explanation of Sri.M.S.Radhakrishnan Nair and Sri.Rajan Babu that Adv.Regina Maxypaul was included as its head solely on account of the request of the students, because they wanted an independent committee, without any person who was a member of the Teachers’ Association, of which Sri.Abhilash was also a member.

23. Therefore, even if the constitution of the committee at the first instance is countenanced, the fact that Adv.Regina Maxypaul left it on 4.10.2021, it being thus consequently

reconstituted on 8.10.2021, creates great consternation for this Court because, instead of the ICC beginning its process again – particularly because its Head had not interacted with the witnesses at any time – it appears to have settled its report in less than ten or so days, on 19.10.2021, making the suspicion fortified that the new Head of the committee really did not have any exposure to the facts and evidence involved. When one views this from the prism of the allegations of the students that the ‘ICC Report’ is one issued without properly adverting to the evidence, certainly, I find force in the suggestion of Sri.Thomas Abraham, that a new ICC will have to be constituted and a report settled by it in terms of law. Of course, this committee will have to be as per the ‘Regulations’, whether the students agree to it or otherwise and will have to proceed as per the statutory mandate.

24. That being said, the suspension of the ‘Assistant Professors’ cannot appeal to me because, the allegation against them is not that they had participated in a program objected to by the College, but solely that they had supported Smt.Swapna

Gopinath, who is alleged to have put up certain 'WhatsApp' posts in the past, encouraging drinking among women Teachers.

25. Though I do not propose to enter into the merits of the afore allegations, *prima facie*, it is rather baffling that a moralistic and extremely patriarchal stand should be adopted by the College in holding that even a reference to drinking among lady teachers would cause deprivation of the moral standards of their students. As I have said above, since this Court does not propose to quash the Charge Memos issued against the 'Assistant Professors' at this stage, I do not propose to speak on this any further.

26. I am persuaded to the afore view also because, the order of suspension is dated 8.10.2021, in which, the issuing Authority records that the allegations against Sri.T.Abhilash are frivolous and false, though it is unreservedly admitted that the 'ICC Report' came only on 19.10.2021. Clearly, the action against the petitioners can be suspected to be premeditated, but this is not something that this Court feels appropriate to speak conclusively at this stage, because of the reasons already

recorded above.

27. My observations above, therefore, would make it ineluctable that these Writ Petitions deserve to be disposed of quashing the orders of suspension of the 'Assistant Professors', but allowing the enquiry against them to go on; and further by setting aside the 'ICC Report', so that a fresh process can be completed.

28. As a corollary to my observations above, the findings against Sri.T.Abhilash in Ext.P5 in WP(C)No.5450/2022 is also premature, because the report of the ICC to be constituted will certainly have to be awaited by any Educational Authority, before guilt against him can be imputed or finalised.

Resultantly, I dispose of these Writ Petitions in the following manner:

a) WP(C)Nos.23694/2021 and 28149/2021 are allowed, and Ext.P9 in the former and Ext.P4 in the latter are quashed; however, with a direction to the appropriate Authority of the College to reconstitute the ICC in terms of the UGC Regulations 2015 and to initiate and complete processes as per the same, as

also the applicable statutory mandate, after affording necessary opportunity to all sides; thus culminating in a new report, as expeditiously as is possible.

b) WP(C)Nos.28734/2021 and 26174/2021 are allowed, and Ext.P1 in both these cases are set aside; however, clarifying that the disciplinary enquiry against the ‘Assistant Professors’ can continue, following law and in implicit compliance of the applicable Statutes and Rules. I also make it clear that my observations above are only for the purpose of guiding this Court to the afore directions and that the enquiry against them must be done untrammelled by the same.

c) WP(C)No.5450/2022 is allowed and Ext.P5 is quashed; however, leaving full liberty to the Deputy Director of Collegiate Education to initiate and conclude action against the petitioner as per law, if so required in future, depending upon the decision to be taken by the ICC in terms of direction (a) above. Needless to say, the assertion of Dr.K.P.Sathisan, that the Director of Collegiate Education has no role to play in this issue, is left open to be decided in future, if it becomes so warranted.

Before I close, I record the submissions of Sri.Rajan Babu that, notwithstanding the afore directions, since the students have already completed their course, their Conduct Certificates – without adverse entries, will be issued to them, if not already done. I thus leave liberty to the students to approach the College for this purpose, which shall be acceded to by them forthwith.

RR

Sd/ -
DEVAN RAMACHANDRAN
JUDGE

APPENDIX OF WP(C) 5450/2022

PETITIONER EXHIBITS

- Exhibit-P1 TRUE COPY OF THE REGULATION PUBLISHED BY THE UNIVERSITY GRANTS COMMISSION AS NOTIFICATION DATED 2-5-2016
- Exhibit-P2 TRUE COPY OF THE REPORT SUBMITTED BY THE INTERNAL COMPLAINTS COMMITTEE DATED 19-10-2021
- Exhibit-P3 TRUE COPY OF THE REPORT SUBMITTED BY THE ASSISTANT COMMISSIONER OF POLICE TO THE INSPECTOR GENERAL OF POLICE DATED 4-11-2021
- Exhibit-P4 TRUE COPY OF THE NOTICE GIVEN BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 30-11-2021
- Exhibit-P5 TRUE COPY OF THE REPORT SUBMITTED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT DATED 8-2-2022

APPENDIX OF WP(C) 26174/2021

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE ORDER NO.2/SNT/1484 DATED 03.11.2021 OF THE 2ND RESPONDENT SUSPENDING THE PETITIONER.
- Exhibit P2 TRUE COPY OF THE TRACKING DETAILS OBTAINED FROM THE WEBSITE OF INDIA POST FOR REGISTERED LETTER NO.RL1688388071N.
- Exhibit P3 TRUE COPY OF THE MEMO NO.4(A)/1410 DATED 18.10.2021.
- Exhibit P4 TRUE COPY OF THE LETTER FROM THE PETITIONER TO THE ADMINISTRATIVE OFFICER, SN TRUSTS, KOLLAM DATED 05.11.2021.
- Exhibit P5 TRUE COPY OF THE ORDER OF THIS HON'BLE COURT DATED 01.11.2021 IN WPC NO.23694/2021.
- Exhibit P6 TRUE COPY OF THE INVITATION LETTER DATED 30.10.2021 ISSUED TO THE PETITIONER BY THE INTERNATIONAL COOPERATIVE ALLIANCE.
- Exhibit P7 TRUE COPY OF THE ONLINE APPLICATION DATED 09.11.2021 FOR FOREIGN TRAVEL SUBMITTED ON THE SOAFT WEBSITE OF THE HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF KERALA.
- Exhibit P8 TRUE COPY OF THE APPLICATION FOR NOC DATED 02.11.2021 TO BE SUBMITTED BY THE FACULTIES ALONG WITH THE ONLINE APPLICATION FOR FOREIGN TRAVEL IN SOAFT WEBSITE.
- Exhibit P9 TRUE COPY OF THE LETTER FROM THE 4TH RESPONDENT TO THE PETITIONER DATED 16.11.2021 WITH ENGLISH TRANSLATION.
- Exhibit P10 TRUE COPY OF THE LETTER FROM THE 2ND RESPONDENT TO THE PETITIONER DATED 17.11.2021.
- Exhibit P11 TRUE COPY OF THE TRACKING DETAILS OBTAINED FROM THE WEBSITE OF INDIA POST FOR

REGISTERED LETTER NO.RL1688057071N.

- Exhibit P12 TRUE COPY OF THE EMAIL COMMUNICATION DATED 20.11.2021 RECEIVED BY THE PETITIONER FROM SUMI CHO, LOCAL COORDINATOR, THE 33RD WORLD COOPERATIVE CONGRESS INTERNATIONAL COOPERATIVE ALLIANCE.
- Exhibit P13 TRUE COPY OF THE REPORT PREPARED BY THE FIFTH RESPONDENT ON COMPLAINTS BY STUDENTS AGAINST SHRI.ABHILASH T. OBTAINED UNDER THE RIGHT TO INFORMATION ACT BY KUMARI ANAMIKA PRAJIN.
- Exhibit P14 TRUE COPY OF THE LETTER DATED 02.12.2021 FROM THE 2ND RESPONDENT TO SHRI.DHARMAJAN K. WITH A COPY A MARKED TO THE PETITIONER.
- Exhibit P14A TRUE COPY OF THE LETTER DATED 04.01.2022 FROM THE 2ND RESPONDENT TO SHRI.DHARMAJAN K. WITH A COPY A MARKED TO THE PETITIONER.
- Exhibit P15 TRUE COPY OF THE SUMMONS TO APPEAR FOR ENQUIRY FROM SHRI.DHARMAJAN.K TO THE PETITIONER DATED 07.01.2022.
- Exhibit P16 TRUE COPY OF THE LETTER DATED 13.01.2022 FROM THE PETITIONER TO SHRI.DHARMAJAN.K, ENQUIRY OFFICER.
- Exhibit P17 TRUE COPY OF THE TRACKING RECEIPT FOR RL644584222 IN OBTAINED FROM THE WEBSITE OF INDIA POST.
- 2ND RESPONDENT'S EXHIBITS
- Exhibit R2(a) TRUE COPY OF THE LETTER REFERENCE NO.1640 DATED 08.11.2021.
- Exhibit R2(b) TRUE COPY OF THE ORDER NO.D2/420/2021/HIGHER EDN.DEPT.DATED 31.08.2021.
- Exhibit R2(c) TRUE COPY OF THE WHATSAP MESSAGE CIRCULATED BY DR.MANU RAMAKANT ENCOURAGING ALCOHOL CONSUMPTION.

APPENDIX OF WP(C) 28149/2021

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF STATEMENT DATED NIL GIVEN BY THE 1ST WRIT PETITION TO THE ICC
- Exhibit P2 TRUE COPY OF STATEMENT DATED NIL SUBMITTED BY THE 2ND WRIT PETITIONER TO THE ICC
- Exhibit P3 TRUE COPY OF STATEMENT DATED NIL SUBMITTED BY THE 3RD WRIT PETITIONER TO THE ICC
- Exhibit P4 TRUE COPY OF ICC REPORT DATED 19.10.2021
- Exhibit P5 TRUE COPY OF SHOW CAUSE NOTICE NO PL/1162/2021930 DATED 22.10.2021 ISSUED TO THE 1ST WRIT PETITIONER
- Exhibit P5(A) TRUE COPY OF THE NOTICE NO PL/1164/2021(8) DATED 22.10.2021 BARRING THE 1ST WRIT PETITIONER FROM ENTERING THE COLLEGE.
- Exhibit P6 TRUE COPY OF THE SHOW CAUSE NOTICE NO PL/1162/2021950 DATED 22.10.2021 ISSUED TO THE 2ND WRIT PETITIONER
- Exhibit P6(A) TRUE COPY OF NOTICE NO PL/1164/2021(6) DATED 22.10.2021 BARRING THE 2ND WRIT PETITIONER FROM ENTERING THE COLLEGE
- Exhibit P7 TRUE COPY OF THE SHOW CAUSE NOTICE NO PL/1162/2021(2) DATED 22.10.2021 ISSUED TO THE 3RD WRIT PETITIONER
- Exhibit P7(A) TRUE COPY OF THE NOTICE NO PL/1164/2021(9) DATED 22.10.20221 BEARING THE 3RD WRIT PETITIONER FROM ENTERING THE COLLEGE
- Exhibit P8 TRUE COPY OF THE SHOW CAUSE NOTICE NO PL/1162/2021940 DATED 22.10.2021 ISSUED

TO THE 4TH WRIT PETITIONER

- Exhibit P8(A) TRUE COPY OF THE SHOW CAUSE NOTICE NO PL/1162/2021 (40 DATED 22.10.2201 ISSUED TO THE 4TH WRIT PETITIONER
- Exhibit P9 TRUE COPY OF THE LETTER FROM THE 4TH RESPONDENT NO PL/843/2021 DATED 11.8.2201 ADDRESSED TO THE MANAGER, SRI NARAYANA COLLEGES, KOLLAM
- Exhibit P9(A) TRUE TRANSLATION OF EXHIBIT P9
- Exhibit P10 TRUE COPY OF THE FIR DATED 2.11.2021 IN CRIME 1893/2011 REGISTERED BY THE PEROORKADA POLICE STATION
- Exhibit P10(A) TRUE TRANSLATION OF THE MALAYALAM PORTIONS IN EXT P10 FIR
- Exhibit P11 TRUE COPY OF THE STAY ORDER DATED 1.11.2021 IN WPC 23694/2021 OF THIS HON'BLE COURT

APPENDIX OF WP(C) 28734/2021

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE ORDER NO.2/SNT/1483
DATED 3.11.2021.
- Exhibit P2 TRUE COPY OF THE MEMO OF CHARGES DATED
18.10.2021.
- Exhibit P3 TRUE COPY OF THE EXPLANATION SUBMITTED
BY THE PETITIONER DATED 12.11.2021.
- Exhibit P10 TRUE COPY OF THE REPORT SUBMITTED BY THE
DEPUTY DIRECTOR
- Exhibit P11 TRUE COPY OF THE WORK LOAD STATEMENT.

RESPONDENTS' EXTS:

- EXT.R1(A) A TRUE COPY OF THE GOVERNMENT ORDER
(HIGHER EDUCATION DEPARTMENT)
NO.D2/420/2021 HEDN DATED 31.08.2021.

APPENDIX OF WP(C) 23694/2021

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE COMPLAINT DATED 30/07/2021 SENT BY THE 1ST PETITIONER TO THE 3RD RESPONDENT WITH ITS E-MAIL RECEIPT.

Exhibit P2 TRUE COPY OF THE E-MAIL REPLY OF THE 3RD RESPONDENT DATED 02/08/2021.

Exhibit P3 TRUE COPY OF THE E-MAIL REPLY DATED 02/08/2021 SENT BY THE PETITIONERS TO THE 3RD RESPONDENT.

Exhibit P4 TRUE COPY OF THE NOTICE DATED 02/08/2021 ISSUED BY THE 3RD RESPONDENT TO THE FATHER OF THE 1ST PETITIONER AND TRANSLATION

Exhibit P5 TRUE COPY OF THE COMPLAINT DATED 11/08/2021 FILED BY THE PETITIONERS BEFORE THE HON'BLE GOVERNOR OF KERALA.

Exhibit P6 TRUE COPY OF ONE OF THE NOTICE DATED 13/08/2021 ISSUED BY THE CHAIRPERSON OF INTERNAL COMPLAINTS COMMITTEE TO THE 1ST PETITIONER AND TRANSLATION

Exhibit P7 TRUE COPY OF THE CONDUCT CERTIFICATE DATED 30/09/2021 ISSUED BY THE 3RD RESPONDENT TO THE 3RD PETITIONER.

Exhibit P8 TRUE COPY OF THE CONDUCT CERTIFICATE DATED 12/10/2021 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.

Exhibit P9 TRUE COPY OF THE REPORT DATED 19/10/2021 OF THE INTERNAL COMPLAINTS COMMITTEE AND TRANSLATION.

Exhibit P10 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 22/10/2021 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER.

Exhibit P10(A) TRUE COPY OF THE NOTICE DATED 22/10/2021 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER.

RESPONDENT EXHIBITS

Exhibit R3(a) TRUE COPY OF LETTER NO.PL/799/2021 DATED 3.8.2021 SENT BY THE PRINCIPAL SREE NARAYANA COLLEGE, CHEMPAZHANTHY TO THE STATION OFFICER, KAZHAKUTTOM POLICE STATION.

Exhibit R3(b) TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE MEETING HELD ON 2.8.2021 AT 7.15 P.M

Exhibit R3(c) TRUE COPY OF THE LIST OF INTERNAL COMPLAINT COMMITTEE DATED 3.8.2021 ISSUED BY THE PRINCIPAL, SREE NARAYANA COLLEGE, CHEMPAZHANTHY

Exhibit R3(d) TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS TO THE CONVENOR, INTERNAL COMPLAINTS COMMITTEE

Exhibit R3(e) TRUE COPY OF THE DETAILS OF ICC CONSTITUTION, SREE NARAYANA COLLEGE, CHEMPAZHANTHY

Exhibit R3(f) TRUE COPY OF THE NOTIFICATION OF UNIVERSITY GRANTS COMMISSION DATED 2.5.2016, MINISTRY OF HUMAN RESOURCE DEVELOPMENT.

Exhibit R3(g) TRUE COPY OF THE INTIMATION DATED 1.9.2021 TO THE PETITIONER THROUGH GMAIL.

Exhibit R3(h) TRUE COPY OF THE INTIMATION DATED 3.9.2021 THROUGH EMAIL ON DATED OF HEARING 4.9.2021

Exhibit R3(i) TRUE COPY OF THE REPRESENTATION DATED
4.10.2021 SENT BY MS. RAJEENA R.
MAXIPAUL TO THE PRINCIPAL, S.N.COLLEGE,
CHEMPAZHANTHY

Exhibit R3(j) TRUE COPY OF THE DETAILS OF ICC
CONSTITUTION OF SREE NARAYANA COLLEGE,
CHEMPAZHANTHY