
(2018) 01 KL CK 0011
In the High Court Of Kerala
Case No : 22800 of 2017

DR.N.VEERAMANIKANDAN

APPELLANT

Vs

UNIVERSITY OF CALICUT & ORS.

RESPONDENT

Date of Decision : 15-01-2018

Acts Referred:

Citation : (2018) 01 KL CK 0011

Hon'ble Judges : Anu Sivaraman

Bench : Single Bench

Advocate : K.ANAND, LATHA ANAND, M.N.RADHAKRISHNA MENON,
K.R.PRAMOTH KUMAR, JOSEPH SEBASTIAN, S.VISHNU, K.N.RAVINDRAN,
P.C.SASIDHARAN, NISHA BOSE, GEORGE POONTHOTTAM

Final Decision : Disposed off

Judgement

1. This writ petition is filed challenging Exts.P17 and P19 proceedings of the University as also for a declaration of enquiry by the Syndicate sub

committee into the allegation of plagiarism by the petitioner was ultra vires and illegal. The petitioner contends that he was awarded Doctorate in

Psychology by the Calicut University in the year 2009. Since the syndicate of the University had, in 2016, initiated an enquiry with regard to an

allegation of plagiarism in the thesis submitted by the petitioner, the petitioner had approached this Court by filing W.P.(C) No.24410/2016 which

was disposed of by Ext.P16 judgment dated 25.8.2016. The directions contained in Ext.P16 were as follows:-

1. That the Syndicate of the University shall consider whether Ext.P17 can be implemented with reference to those persons who had obtained

Ph.D degree prior to Ext.P17 order coming into effect i.e. 06.04.2015 and the effect of restriction imposed as per Chapter 35.

2. The syndicate shall proceed further against the petitioner only after communicating to the petitioner any decision taken in the matter.

2. Thereafter, it is submitted that Ext.P17 resolution was taken by the syndicate held on 06.05.2017. The petitioner contends that he was not given

a copy of the findings of the committee referred to at item No.1 of the resolution. It is submitted that in the meanwhile, the 7th respondent had

preferred W.P.(C) No.10425/17 which was disposed of by Ext.P18 judgment dated 28.3.2017. It is stated that the syndicate had appointed a

sub committee and the sub committee submitted a report, but no action was taken by the University. This Court had directed the second

respondent University to take a decision on the report of the sub committee after affording an opportunity of hearing to the petitioner. It is stated

that thereafter, hearing was proposed to be conducted on 17.6.2017 and later on 5.7.2017. The petitioner has approached this Court claiming that

the steps taken by Ext.P17 and the hearing conducted pursuant thereto was illegal and unsustainable, in view of the fact that the question whether

petitioner could be proceeded against had not been decided in terms of Ext.P16 judgment. Interim stay of further proceedings had been granted by

this Court on 11.7.2017.

3. A counter affidavit has been filed on behalf of the 7th respondent. It is contended that the sub committee constituted by the syndicate had

considered the issue and had found that the petitioner had committed plagiarism. It is stated that after Ext.P18 judgment had been issued, the writ

petitioner had filed review petition No.682/17 and by Ext.R7(b) order dated 20.9.2017, the directions issued in Ext.P18 had been modified

clarifying that in the matter of complying with the directions issued in the judgment under review, the syndicate of University shall comply with the

directions issued in Annexure A1 judgment as well. Annexure A1 judgment in Ext.R7(b) is the judgment in W.P.(C) No.24410/2016 which is

produced along with the writ petition as Ext.P16.

4. I have considered the pleadings and materials on record, I find that the issue of applicability of the policy regarding plagiarism, which is

produced in this writ petition as Ext.P20 as also the issue whether the petitioner is liable to be proceeded against in terms of Chapter 35 of the

Calicut University First Statute or any other applicable provisions is liable to be

considered by the syndicate before proceeding further against the petitioner.

5. In the above view of the matter, it is made clear that further steps with regard to the enquiry against the petitioner shall be only in strict compliance with Ext.P16 and Ext.R7(b) judgments. The petitioner shall also be put on notice and heard before any further steps are taken in this regard. With these directions, the writ petition stands disposed of.