
(2025) 12 KL CK 1916
In the High Court Of Kerala
Case No : Writ Petition (C).No.40468 Of 2025

Sreenath M

APPELLANT

Vs

University Of Calicut, Represented By Its Registrar

RESPONDENT

Date of Decision : 10-12-2025

Acts Referred:

Calicut University Act, 1975 — Section 14, 17(12), 18, 18(3)

Citation : (2025) 12 KL CK 1916

Hon'ble Judges : V.G.Arun, J

Bench : Single Bench

Advocate : Vivek.P.K, Sandeep Sukumaran, Gadha.S, Renjith Rajappan, P.C.Sasidharan, P.E.Sajal, Muhammed Hisham T., Fathima Rinsha T.P.

Final Decision : Disposed Of

Judgement

V.G.Arun, J

1. The petitioner, a 1st year BBA student of the KR'S Sree Narayana College, Valanchery, is elected as the University Union Councillor for the year 2025-2026, in the College Union Election conducted on 09.10.2025. The petitioner is aggrieved by the proposal of the Calicut University, to conduct election of the ten student members to the Senate of the University from among the members of the General Council of the University Union for the year 2024-2025. Hence this writ petition, seeking the following reliefs;

“(i) Issue a writ of Mandamus or any other appropriate writ, order, or direction, directing the respondents Nos. 1 to 3 not to proceed with the Senate election scheduled to be conducted on 06.11.2025 as per Exhibit P2, until the grievance raised by the petitioner regarding the eligibility of the members of the General Council of the University Union is duly considered and appropriate action is taken, in the interest of justice.

(ii) Issue a writ of Mandamus or any other appropriate writ, order, or direction, directing the respondents Nos. 1 to 3 to conduct the Senate election only from

the members of the General Council of the University Union for the year 2025-2026, including the petitioner and all other duly elected members, in accordance with the provisions of the Calicut University Act, 1975, and the Constitution of the Calicut University Union.

(iii) Issue a writ of mandamus or any other appropriate writs, orders or directions directing the 2nd and 3rd respondent to consider the ExhibitP5 and ExhibitP6 representations within a time frame stipulated by this Hon'ble Court."

2. Adv.P.K.Vivek, the learned counsel appearing for the petitioner, submits that the proposal of the University to conduct election to the Senate from among the members of the General Council of the University Union 2024-2025, who were elected on 10.10.2024, in spite of

the election of new members on 09.10.2025, is patently illegal and in contravention of Ext.P4, 'Constitution of the Calicut University Union'. In support of the argument, reference is made to the stipulation in Article VI of Ext.P4, that the General Council of the University Union should include the University Union Councillors of the College Unions of the affiliated colleges and the members will hold office for one year or till the date of next election for the College Union. It is contended that, by the next election for the College Union being concluded on 09.10.2025, the University Union Councillors elected in the previous academic year ceased to be members of the General Council. Being so, election to the Senate has to be conducted after re-constituting the General Council with the newly elected University Union Councillors and revising the electoral roll.

3. It is submitted that as per the 3rd proviso to Section 18(3) of Chapter IV of the Calicut University Act, 1975, the term of the ten student members elected by the the General Council shall be one year from the date of the election or nomination as the case may be. The Senate of the Calicut University was reconstituted in the year 2023-2024 and continued after the expiry of its tenure. Even after the election to the College Unions for the year 2024-2025, no action was taken by the University to reconstitute the General Council till 27.06.2025. According to the counsel, issuance of Ext.P2 notification on 09.10.2025 for electing full time student members to the Senate from the General Council, the date on which a new set of University Union Councillors got elected and thereby became entitled to be included in the General Council, is nothing but a mala fide exercise of power.

4. Adv.P.C.Sasidharan, the learned standing counsel for the University, submits that the procedure for conduct of elections of the Calicut University to various authorities including the Senate is governed by the Calicut University (Conduct of Elections to Various Authorities or Bodies) First Statutes, 1975 ('Calicut University First Statutes' for short). Specific reference is made to Statute 14 to point out that, even though names of persons who are on the electoral body, which in this case is the General Council, sixty days prior to the date of publication of the roll alone can be included in the electoral and such persons

alone are entitled to participate in the election, the proviso interdicts persons who have ceased to be members of the electoral body before the date of issue of ballot paper from participating in the election. It is hence contended that, the full time student members of the General Council lost their membership in the electoral body on a new set of University Union Councillors being elected and are therefore not entitled to participate in the election to the Senate.

5. Adv.P.E.Sajal, the learned counsel appearing for the 4th respondent, a member of the present General Council, put forth the following contentions;

As per Section 18 of the Calicut University Act, the Senate is to be reconstituted every four years and as per the 3rd proviso to Section 18(3), the term of office of the members of the General Council elected to the Senate is one year from the date of the election or nomination as the case may be. As the General Council of which the 4th respondent is a member was reconstituted only on 27.06.2025, he can continue as a member till 27.06.2026. Ext.P2 produced by the petitioner is only the election schedule indicating the status and timeline of the election, whereas the process to fill up ten vacancies of student representatives in the Senate had commenced with the issuance of Ext.R4(i) notification dated 18.08.2025. In accordance with the stipulation in Statute 14, the names of persons who were members of the General Council as on 21.07.2025 alone were included in the final electoral roll published on 07.10.2025. The petitioner, who was elected only on 09.10.2025, has no right to be included in the electoral roll. Ext.P4 relied on by the petitioner has no application in the election to the Senate of the University, which is exclusively governed by the First Statutes. The legal position that a member of the General Council can continue for one year, in spite of losing his status as a full time student is settled by decisions of this Court in Nabeel K.A. v. Returning Officer/The Registrar, Kannur University, Kannur [2023 KHC 9315] and John Joseph v. University of Kerala [1982 KLT 992].

6. From the above contentions, the question arising for consideration is whether the existing student members of the General Council of the University Union can participate in the election to the Senate of the University even after a new set of University Union Councillors are elected in the subsequent College Union elections.

7. In order to answer the above question, it is essential to understand the Scheme of the Calicut University Act, with reference to the relevant provisions. The Chancellor, Pro-Chancellor, the Vice-Chancellor, Pro-Vice-Chancellor if any, and the Members of the Senate, the Syndicate and the Academic Council constitutes the body corporate named the Calicut University. The Senate consists of ex-officio, elected and nominated members. The members of the Senate are elected by the members of the General Council from among full time students. Article VI of the Constitution of the Calicut University Union dealing with the General Council being contextually relevant, is extracted below;

"Article VI: General Council

General Council: The General Council of the Calicut University Union shall include (1) The University Union Councillors of the College Unions of the affiliated colleges and (ii) the University Union Councillor of the University Departments Union and they will hold office for one year or till the election date of next election for the College Union.

If the names of representatives to the General Council in respect of any College Union or University Departments Union are not received in the University office on or before the date and time notified by the Patron, the Patron may constitute the General Council without representatives from such union and arrange for the conduct of elections to various offices of University Union. However, the representatives from such Unions will be included in the General Council as soon as their names are received in the University office."

A close reading of the above provision would show that the University Union Councillors of the College Unions included in the General Council, by virtue of their election to the College Unions, can hold office for one year or till the date of next election for the College Union. Therefore, with the election of a new set of University Union Councillors for the academic year 2025-2026, members of the General Council like the 4th respondent, who were elected for the year 2024-2025, lost their membership.

8. The contention of the 4th respondent that he is entitled to continue for one year from the date of reconstitution of the General Council being based on the Calicut University First Statutes, the relevant statutes are extracted below;

"Method of Preparation of Electoral Rolls

12.Maintenance of Electoral Rolls : The Returning Officer shall maintain an Electoral Roll for each Electoral Body entitled to elect members at any election conducted by the University showing the names and addresses of all persons.

Provided that the Ex-officio Members of the authorities of the University representing the Government need be shown in the Electoral Roll only by their designation.

13.Publication of electoral roll : The electoral rolls shall be published in the University Office not less than 30 clear days before the date of notification of the election. The Returning Officer shall notify the date of publication of each electoral roll, not less than 30 clear days before the date of publication of the roll, in newspapers approved by the Vice-Chancellor for the purpose.

14. Eligibility to take part in elections : The names of persons who are on the electoral body 60 days before the date of publication of the roll alone shall be included in the electoral roll, and such persons alone shall be entitled to participate in the election, provided that any person who ceases to be a member of an electoral body before the date of issue of the ballot paper from the University Office shall not be entitled to participate in the election."

9. Going by Statute 14, only those persons whose names are on the electoral body 60 days before the date of publication of the roll can be included in the electoral roll and such persons alone are entitled to participate in the election. At the same time, the proviso interdicts persons who have ceased to be members of an electoral body before the date of issue of the ballot paper from participating in the election. As per Article VI of the Constitution of the Calicut University Union, the University Union Councillors, who are the members of the General Council, can hold office either for one year or till the date of next election for the College Union. As such, with the election of new University Union Councillors on 09.10.2025, the tenure of the existing student members of the General Council ceased. The General Council being the electoral body as far as the election of ten full time student members to the Senate is concerned, the existing General Council Members, though included in the electoral roll, cannot participate in the election in view of the interdiction contained in Statute 14.

10. The 4th respondent has yet another contention that his tenure is for one year from the reconstitution of the General Council which was on 27.06.2025. The second paragraph of Article VI extracted above makes it abundantly clear that the patron of the Calicut University Union is bound to constitute the General Council immediately after the election to the College Unions. This is discernible from the authority granted to the Patron to constitute the General Council without including the representatives of College Unions or University Departments Unions, whose names are not received in the University office on or before the date and time notified by the Patron. Surprisingly, the General Council of the University Union was reconstituted on 27.06.2025, after almost one year of the previous election to the College Union on 22.07.2025. The inordinate delay on the part of the University authorities in reconstituting the General Council has led to the present imbroglio where the members of the General Council, though included in the electoral roll, are not entitled to participate in the election, while the newly elected University Union Councillors, though eligible to be in the General Council are not made part of the General Council for want of its reconstitution and consequently, ineligible to be included in the electoral roll. While on the issue, it may be worthwhile to note that the term of office of full time student members in the Senate, though stipulated as one year from the date of election by the 3rd proviso to Section 18(3) of the Calicut University Act, going by the 1st proviso of Section 18(3), the elected members cannot continue in the Senate for more than three months after cessation of their membership in the General Council.

11. The findings in Nabeel K.A. (supra) will not come to the 4th respondent's aid as the judgment was rendered in the context of removal of certain members from the General Council on the premise that they had ceased to be students. On the other hand, the issue here is regarding the cessation of membership as per the stipulation in Article VI of the Constitution of the Calicut University Union and the interdiction in Statute 14 of the Calicut University First Statutes.

12. The above discussion leads to the conclusion that the student members of the General Council, included in the General Council on their election as University Union Councillors in 2024-2025 ceased to be members with the election to the College Unions for the year 2025-2026. Consequently, those persons lost their right to participate in the election of ten members to the General Council. Before parting with the case, this Court is constrained to observe that the University Union and the Senate have multifarious functions. The recalcitrance, of the authorities in reconstituting the General Council immediately after the College Union elections, whether deliberate or not, puts spokes in the functioning of various bodies of the University.

The writ petition is hence disposed of directing respondents 1 to 3 to reconstitute the General Council of the Calicut University Union forthwith by including the University Union Councillors elected for the academic year 2025-2026 and thereafter proceed with the election of the ten members from the General Council to the Senate, as stipulated in Section 17(12) of the Calicut University Act, following the procedure prescribed in Statute 14 of the Calicut University (Conduct of Elections to Various Authorities or Bodies) First Statutes.