



2025:KER:33517

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE N. NAGARESH

TUESDAY, THE 13TH DAY OF MAY 2025 / 23RD VAISAKHA, 1947

WP(C) NO. 13319 OF 2024

PETITIONER:

DR MUHAMMED THAHA
AGED 53 YEARS
S/O T.M. ABDUL JAMEEL MOULAVI,
VALIYAVEETIL HOUSE,
NORTH OF SHEHIDAR MASJID,
KAYAMKULAM, P.O., GANDHI NAGAR,
KAYAMKULAM, ALAPPUZHA DISTRICT;
PRINCIPAL, M.S.M. COLLEGE, KAYAMKULAM,
ALAPPUZHA DISTRICT., PIN - 690502

BY ADVS.
NISHA GEORGE
GEORGE POONTHOTTAM (SR.)
A.L.NAVANEETH KRISHNAN

RESPONDENTS:

- 1 THE DIRECTOR OF COLLEGIATE EDUCATION
6TH FLOOR, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN - 695033
- 2 THE DEPUTY DIRECTOR OF EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
THEVALLY, KOLLAM, PIN-691009 SUBSTITUTED AS
DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF COLLEGIATE



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EDUCATION, SOUTH ZONE, ASP TOWER,
CHAMAKKADA, KOLLAM - 691001
(ADDRESS OF THE 2ND ERSPONDENT IS SUBSTITUTED
AS PER ORDER DATED 29.05.2024 IN IA 2/24 IN WPC
NO.13319/2024

- 3 THE UNIVERSITY OF KERALA
SENATE HOUSE CAMPUS, PALAYAM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
REGISTRAR, PIN - 695034
- 4 THE SYNDICATE
UNIVERSITY OF KERALA,
SENATE HOUSE CAMPUS, PALAYAM,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHAIRMAN, PIN - 695034
- 5 THE VICE CHANCELLOR
UNIVERSITY OF KERALA, SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM, PIN - 695034
- 6 THE MANAGER
MSM COLLEGE, KAYAMKULAM,
ALAPPUZHA DISTRICT, PIN - 690502

BY ADV. SRI. THOMAS ABRAHAM, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.03.2025 AND THE COURT ON 13.05.2025
DELIVERED THE FOLLOWING:



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N. NAGARESH, J.

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Dated this the 13th day of May, 2025

J U D G M E N T

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The petitioner, who is working as Principal, MSM College, Kayamkulam, has filed this writ petition seeking to direct respondents 3 to 5 to approve the appointment of the petitioner pursuant to Ext.P4.

2. The petitioner states that a vacancy of Principal arose in the College on 01.06.2022. A duly constituted Selection Committee which included nominees of the University selected the petitioner for appointment as



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Principal. The petitioner was appointed as Principal as per Ext.P4 letter dated 07.11.2023. A proposal for approval of the appointment was forwarded to the University as per Ext.P6 letter dated 09.11.2023. The petitioner was earlier appointed as Drawing and Disbursing Officer (DDO) with effect from 01.09.2023.

3. The petitioner states that a controversy arose as regards admission of a student named Nikhil M. Thomas. An RTI application dated 30.01.2023 was received by the petitioner who was the then Public Information Officer. Ext.P7 application sought information as regards details of Degree Certificate submitted by Nikhil M. Thomas to obtain PG admission. The said Nikhil M. Thomas had pursued UG Course from the same College. The petitioner was not aware of the said fact. The petitioner informed the RTI applicant that the genuineness of the Certificate of Nikhil M. Thomas has to be decided by the University which issued the



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Certificate and informed him to collect the details from Kalinga University.

4. The petitioner states that the said Nikhil M. Thomas had produced in the College Ext.P9 Degree Certificate from Kalinga University, Ext.P10 Migration Certificate, Ext.P11 Degree Recognition Certificate and Ext.P12 Eligibility Certificate issued by the University of Kerala. Therefore, there was no reason to doubt the genuineness of the qualification of Nikhil M. Thomas.

5. Subsequently, certain other persons also filed RTI applications seeking similar information. As the information sought was third party information, the petitioner sought permission of Nikhil M. Thomas under Section 11 of the RTI Act. Nikhil M. Thomas denied permission to divulge any information. The petitioner therefore submitted appropriate reply to the RTI applications.



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6. Subsequently, the Certificate produced by the student from Kalinga University was found to be fake. The petitioner states that the student was admitted to the PG Course on 28.01.2022 when one Dr. Bhadrakumari was the Principal of the College. The petitioner being an Associate Professor in Arabic, had no role whatsoever in the admission of the student. However, the petitioner was issued with Ext.P23 show-cause notice dated 05.09.2023. The petitioner submits that all allegations in Ext.P23, except allegation No.4, are no way connected to the petitioner. The petitioner therefore submitted a detailed reply dated 16.09.2023 as per Ext.P24.

7. The University thereafter decided to withdraw the approval granted to the petitioner as Principal-in-Charge. Ext.P25 letter dated 05.01.2024 was issued by the University to the Manager directing to take disciplinary action against the petitioner. The petitioner states that



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Ext.P25 is arbitrary and illegal. The petitioner was never appointed as the Principal-in-Charge though he was appointed as DDO on various occasions. Though his appointment as DDO with effect from 01.09.2023 was approved by the University, the 2nd respondent has not approved the same. The petitioner was appointed as Principal with effect from 07.11.2023 following a due selection process. Ext.P25 therefore cannot be implemented. Ext.P25 has been issued with the ulterior motive to prevent the approval of the appointment of the petitioner as Principal.

8. When this writ petition came up for admission, this Court passed an interim order on 12.04.2024 directing that the petitioner should be allowed to continue as Principal provisionally and subject to the result of the writ petition.

9. Respondents 3 to 5 filed a statement and an additional statement. The respondents stated that the



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Manager, MSM College, Kayamkulam appointed the petitioner as Principal with effect from 07.11.2023. The University sought explanation from the College authorities when the controversy relating to Nikhil M. Thomas came into light. In spite of receipt of RTI applications and in spite of reason to suspect genuineness of the Certificate produced by Nikhil M. Thomas, the College authorities did not act. The petitioner acted negligently in not cross verifying the documents on receipt of the RTI applications. The petitioner has admitted that point No.4 in the show-cause is related to him as the Public Information Officer.

10. I have heard the learned counsel for the petitioner and the learned Standing Counsel representing respondents 3 to 5. I have also heard the learned Government Pleader representing respondents 1 and 2.

11. The petitioner was appointed as Principal of the College after a due selection process conducted by a



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Selection Committee consisting of University nominees also.

The petitioner was appointed as the Principal as per Ext.P4 letter dated 07.11.2023 and the petitioner joined duty as Principal on 08.11.2023. The College forwarded the proposal for approval of appointment to the University.

12. In the meanwhile, a controversy arose regarding admission of one Nikhil M. Thomas to the PG Course in the College. The said Nikhil M. Thomas was a UG student in the same College. But, he produced Ext.P9 Degree Certificate of Kalinga University to obtain admission. It is alleged that Ext.P9 Certificate is a forged one. The petitioner would contend that he was not the Principal of the College at the time of admission of the said Nikhil M. Thomas. The petitioner was working as Assistant Professor in Arabic Department. The petitioner had no role in admitting the student.



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13. In Ext.P25, the allegation raised against the petitioner is that when RTI applications were received by the petitioner while he was the Public Information Officer, he should have taken care to verify the authenticity of Ext.P9 Degree Certificate. It is on that basis that an advice has been given to initiate disciplinary proceedings.

14. From the pleadings, it is evident that the petitioner was not involved in admitting the student who is alleged to have committed forgery, to the PG Course. The allegation against the petitioner is that the petitioner should have shown more care in verifying the authenticity of Ext.P9 Certificate when an RTI application was received.

15. There is no dispute that the petitioner was appointed as Principal of the College after a due selection process. When the petitioner was the Public Information Officer and when he received RTI applications, he has acted as per the provisions of the Right to Information Act, 2005.



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There is no negligence or default on the part of the petitioner in processing and disposing of the RTI applications. The allegation is that when RTI applications were received, he should have investigated the issue raised by the RTI Applicant. As long as the petitioner is not the competent officer to deal with such complaint and as long as no specific complaint regarding any forged document is received, a Public Information Officer is not legally bound to start any investigation process. A Public Information Officer has no such power or obligation under Section 7 of the Right to Information Act, 2005.

16. Now, assuming that there is negligence on the part of the petitioner to that extent, an isolated instance of negligence as alleged against the petitioner cannot be a reason to decline approval to the appointment of the petitioner as Principal which was made after a due selection process. The statement filed by the University would show



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that pursuant to the interim order of this Court, the University has issued order dated 03.06.2024 granting provisional approval to the appointment of the petitioner as Principal.

In the facts and circumstances of the case, the writ petition is disposed of directing respondents 3 to 5 to confirm the provisional approval of appointment of the petitioner granted as per University order dated 03.06.2024.

Sd/-

N. NAGARESH, JUDGE

aks/23.04.2025



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APPENDIX OF WP (C) 13319/2024

PETITIONER'S EXHIBITS

- Exhibit -P1 TRUE COPY OF THE LETTER NO. C3/11808/2023/DCEDDKLM DATED 23.9.2023 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION
- Exhibit -P2 TRUE COPY OF THE LETTER NO. D2/243/2023/H. EDN. DATED 16.7.2013 ISSUED BY THE PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT TO THE 1ST RESPONDENT
- Exhibit -P3 TRUE COPY OF THE MINUTES OF THE MEETING OF THE SELECTION COMMITTEE FOR THE PROMOTION AND APPOINTMENT AS PRINCIPAL HELD ON 5.11.2023
- Exhibit -P4 TRUE COPY OF THE LETTER NO. MSMT/PRL/2023 DATED 7.11.2023 ISSUED BY THE 6TH RESPONDENT COLLEGE
- Exhibit -P5 TRUE COPY OF THE JOINING REPORT DATED 8.11.2023
- Exhibit -P6 TRUE COPY OF THE LETTER NO. MSMT/PRL/9/2023 DATED 9.11.2023 ISSUED BY THE 6TH RESPONDENT TO THE UNIVERSITY
- Exhibit -P7 TRUE COPY OF THE RTI APPLICATION DATED 30.1.2023 SUBMITTED BY ONE ADIDHYAN A.
- Exhibit -P8 TRUE COPY OF THE LETTER NO. G1/229/2023 DATED 2.2.2023 ISSUED BY THE 6TH RESPONDENT TO ADIDHYAN
- Exhibit -P9 TRUE COPY OF THE CERTIFICATE NO. 0020292 DATED 13.8.2021 ISSUED BY THE



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KALINGA UNIVERSITY

- Exhibit -P10 TRUE COPY OF THE MIGRATION CERTIFICATE NO. 1216582 DATED 5.8.2021 ISSUED BY THE KALINGA UNIVERSITY
- Exhibit -P11 TRUE COPY OF THE ORDER OF THE KERALA UNIVERSITY NO. 343/2022/UOK DATED 14.1.2022
- Exhibit -P12 TRUE COPY OF THE ELIGIBILITY CERTIFICATE NO. AC.C/063983/2022 DATED 14.1.2022 ISSUED BY THE UNIVERSITY OF KERALA
- Exhibit -P13 TRUE COPY OF THE RTI APPLICATION DATED 27.2.2023 SUBMITTED BY ONE BADUSHA BASHEER TO THE PRINCIPAL (PUBLIC INFORMATION OFFICER) OF THE 6TH RESPONDENT COLLEGE
- Exhibit -P14 TRUE COPY OF THE LETTER NO. G1/469/2023 DATED 7.3.2023 ISSUED BY THE PRINCIPAL (PUBLIC INFORMATION OFFICER) OF THE 6TH RESPONDENT COLLEGE
- Exhibit -P15 TRUE COPY OF THE RTI APPLICATION DATED 30.3.2023
- Exhibit -P16 TRUE COPY OF THE LETTER NO. G1/623/2023 DATED 1.4.2023 ISSUED BY THE PUBLIC INFORMATION OFFICER OF THE 6TH RESPONDENT COLLEGE TO NIKHIL M. THOMAS
- Exhibit -P17 TRUE COPY OF THE LETTER DATED 19.4.2023 SENT BY NIKHIL M. THOMAS TO THE PUBLIC INFORMATION OFFICER OF THE COLLEGE
- Exhibit -P18 TRUE COPY OF THE RTI REPLY NO.



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G1/623/2023 DATED 3.5.2023 ISSUED TO
BADUSHA BASHEER

Exhibit -P19 TRUE COPY OF THE NOTE NO.
ACC/063983/21 DATED 30.12.2021 ISSUED
BY THE VICE CHANCELLOR TO THE STANDING
COMMITTEE OF THE ACADEMIC COUNCIL

Exhibit -P20 TRUE COPY OF THE LETTER NO.
AC.C/LETTER II/2023 DATED 24.06.2023
ISSUED BY THE RESPONDENT UNIVERSITY.

Exhibit -P21 TRUE COPY OF THE LETTER NO.
G2/1066/2023 DATED 24.06.2023 ISSUED
BY THE MSM COLLEGE, ALONG WITH
ENCLOSURES,

Exhibit -P22 TRUE COPY OF THE LETTER NO.
ACC/063983/21 NIKHIL M THOMAS DATED
7.9.2023 ISSUED BY THE UNIVERSITY TO
THE PETITIONER

Exhibit -P23 TRUE COPY OF THE SHOW CAUSE NOTICE NO.
AC.C/063983/M/2023 DATED 5.9.2023
ISSUED BY THE UNIVERSITY

Exhibit -P24 TRUE COPY OF THE LETTER DATED
16.9.2023 ISSUED BY THE PETITIONER TO
THE REGISTRAR OF THE UNIVERSITY

Exhibit -P25 TRUE COPY OF THE LETTER NO.
ACC/063983/21 NIKHIL M THOMAS DATED
5.1.2024 ISSUED BY THE UNIVERSITY TO
THE MANAGER OF THE COLLEGE

Exhibit -P26 TRUE COPY OF THE LETTER NO. MSMT/24
DATED 08.01.2024 ISSUED BY THE MANAGER
OF THE COLLEGE TO THE REGISTRAR OF THE
UNIVERSITY

Exhibit -P27 TRUE COPY OF THE ORDER BEARING U.O.NO.



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4077/2024/UOK DATED 16.05.2024 ISSUED
BY THE 3RD RESPONDENT UNIVERSITY

Exhibit P28

TRUE COPY OF THE LETTER NO.
DDKLM/977/2024-B4 DATED 25.7.2024
ISSUED BY THE 2ND RESPONDENT.