

Dr. Venugopal Vs. The State Of Karnataka

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Court : Karnataka

Decided On : Aug-07-2024

Judge : Chief Justice and K. V. Aravind

Appeal No. : WA 635/2024

Appellant : Dr. Venugopal

Respondent : The State Of Karnataka

Judgement :

- 1 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE7H DAY OF AUGUST, 2024 PRESENT THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE AND THE HON'BLE MR JUSTICE K V ARAVIND WRIT APPEAL No.635 OF2024(GM-RES) C/W WRIT APPEAL No.714 OF2024(GM-RES) AND WRIT APPEAL No.870 OF2024(GM-RES) IN W.A. No.635 OF2024 BETWEEN:

1. DR. VENUGOPAL MBBS, MS. (GEN. SURGERY) AGED ABOUT51YEARS PAVAN HOSPITAL SHRINIVASPURA KOLAR DISTRICT- 563 135 2. DR. H J JAISKRISHNA MDS AGED ABOUT50YEARS NO.293, JAINILAYA19H MAIN, 6TH BLOCK KORAMANGALA BENGALURU - 560 034 APPELLANTS (BY SRI K.N. PHANINDRA, SENIOR ADVOCATE A/W SRI. ABHISHEK A. HAPPALI, ADVOCATE SMT. VAISHALI HEGDE, ADVOCATE) - 2 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 AND:

1. THE STATE OF KARNATAKA REP. BY CHIEF SECRETARY DEPT. OF HEALTH AND FAMILY WELFARE (MEDICAL EDUCATION) VIKASA SOUDHA DR. AMBEDKAR VEEDI BENGALURU - 560 001 2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES, REPRESENTED BY REGISTRAR 4TH BLOCK, JAYANAGARA BENGALURU KARNATAKA - 560 041 RESPONDENTS (SRI K. SHASHIKIRAN SHETTY, ADVOCATE GENERAL ALONG WITH SMT. NILOUFER AKBAR, ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT NO.1 SRI MADHUSUDAN R. NAIK, SENIOR ADVOCATE ALONG WITH SMT. FARAH FATHIMA, ADVOCATE FOR RESPONDENT NO.2.) THIS WRIT APPEAL FILED U/S 40 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE ABOVE WRIT APPEAL AND SET ASIDE THE FINAL

ORDER

DATED 05.04.2024 PASSED BY THE LEARNED SINGLE JUDGE IN W.P No.10837/2023 AND CONSEQUENTLY ALLOW THE SAID WRIT PETITION IN ITS ENTIRETY INsofar AS THE APPELLANTS ARE CONCERNED, IN THE INTEREST OF JUSTICE AND EQUITY. IN W.A. No.714 OF 2024 BETWEEN:

1. DR. KRANTI KIRAN, MBBS, MS, DNB, MCH AGED ABOUT 51 YEARS - 3 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 SRI BALAJI INSTITUTE OF NEURO SCIENCES AND TRAUMA UNAKAL, HOSUR ROAD VIDHYA NAGAR HUBBALLI - 580 021 APPELLANT (BY SRI SANDEEP S. PATIL, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY THE CHIEF SECRETARY DEPARTMENT OF HEALTH AND FAMILY WELFARE (MEDICAL EDUCATION) VIKAS SOUDHA DR. AMBEDKAR VEEDHI BENGALURU - 560001 2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE REPRESENTED BY REGISTRAR 4TH BLOCK, JAYANAGARA BENGALURU KARNATAKA - 560 041 RESPONDENTS (SRI K. SHASHIKIRAN SHETTY, ADVOCATE GENERAL ALONG WITH SMT. NILOUFER AKBAR, ADDITIONAL GOVERNMENT

ADVOCATE FOR RESPONDENT NO.1 SRI MADHUSUDAN R. NAIK, SENIOR ADVOCATE ALONG WITH SMT. FARAH FATHIMA, ADVOCATE FOR RESPONDENT NO.2.) THIS WRIT APPEAL FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE JUDGEMENT AND

ORDER

PASSED IN WRIT PETITION No.10837/2023 DATE 05.04.2024 AND CONSEQUENTLY ALLOW THE - 4 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 WRIT PETITION FILED BY THE APPELLANT IN THE INTEREST OF JUSTICE AND EQUITY. IN W.A. No.870 OF 2024 BETWEEN:

1. DR. SHOBHA S NISSIMGOUDAR BAMS, PGDHA AGED ABOUT 46 YEARS RESIDES AT MANNAGI GRAMA SAVANUR TALUK HAVERI DISTRICT - 518 202 APPELLANT (BY SRI PRABHULING K. NAVADGI, SENIOR ADVOCATE ALONG WITH SRI SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY CHIEF SECRETARY DEPARTMENT OF HEALTH AND FAMILY WELFARE (MEDICAL EDUCATION) VIKASA SOUDHA DR AMBEDKAR VEEDHI BENGALURU - 560 001 2. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES REPRESENTED BY REGISTRAR 4TH T BLOCK, JAYANAGARA BENGALURU KARNATAKA - 560 041 RESPONDENTS (SRI K. SHASHIKIRAN SHETTY, ADVOCATE GENERAL ALONG WITH SMT. NILOUFER AKBAR, ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT NO.1 - 5 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 SRI MADHUSUDAN R. NAIK, SENIOR ADVOCATE ALONG WITH SMT. FARAH FATHIMA, ADVOCATE FOR RESPONDENT NO.2.) THIS WRIT APPEAL FILED U/S40F THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE ABOVE WRIT APPEAL AND SET ASIDE THE FINAL

ORDER

DATED 05/04/2024 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.10837/2023 AND CONSEQUENTLY ALLOW THE SAID WRIT PETITION IN ITS ENTIRETY INsofar AS THE APPELLANT IS CONCERNED. THESE APPEALS, COMING ON FOR FINAL HEARING, THIS DAY,

JUDGMENT

WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N.V. ANJARIA and HON'BLE MR. JUSTICE K.V. ARAVIND ORAL

JUDGMENT

(PER: HON'BLE THE CHIEF JUSTICE MR. JUSTICE N.V. ANJARIA) Heard learned Senior Advocate Sri K.N. Phanindra assisted by learned advocate Smt. Vaishali Hegde for the appellants in Writ Appeal Nos.635 of 2024, learned Advocate Sri Sandeep S. Patil for the appellant in Writ Appeal No.714 of 2024 and learned Senior Advocate Sri Prabhuling K. Navadgi assisted by Advocate Sri Shivaprasad Shantanagoudar for the appellant in Writ Appeal No.870 of 2024, learned Advocate General Sri K. Shashikiran - 6 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 Shetty along with learned Additional Government Advocate Smt. Niloufer Akbar for respondent No.1 and learned Senior Advocate Sri Madhusudan R. Naik assisted by learned advocate Smt. Farah Fathima for respondent No.2.

2. The three writ appeals that is Writ Appeal Nos.635 of 2024, 714 of 2024 and 870 of 2024 arise out of common judgment and order dated 05.04.2024 passed by learned Single Judge in Writ Petition Nos.10837 of 2023 and 10994 of 2023. The petitions came to be dismissed by learned Single Judge. 2.1 The facts in both the petitions were similar and the issue involved identical. Noticing the basic facts from Writ Petition No.10837 of 2023, what was prayed by the petitioners was to set aside the Notification dated 25.05.2023 issued by respondent No.1- State and to consider the representation dated 23.05.2023 filed by the petitioners in light of Sections 31 and 55 of the Rajiv Gandhi University of Health Sciences Act, 1994. 2.2 By the said Notification dated 25.05.2023 impugned in the petition, earlier Notifications dated 13.12.2022 and 06.02.2023 came to be annulled. The net

result was that the nomination of the - 7 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 petitioners as members of the syndicate of the University was cancelled. 2.3 In the other petition from which Writ Appeal No.870 of 2024 arose, the petitioner was nominated as Chairman of the Central Relief Committee under the Karnataka Prohibition of Beggary Act, 1975 (hereinafter referred to as the Beggary Act) for a period of three years under the Notification dated 26.07.2022. By virtue of the impugned notification, cancelling the earlier notification, the petitioner ceased to be the Chairman of the Committee from the date of notification. 2.4 In both the cases, this Court granted interim order suspending the impugned Notification. The respective petitioners continued as members of the Syndicate and the Chairman of the Central Relief Committee, respectively till date.

3. Setting out the facts with some details, the appellants of Writ Appeal No.635 of 2024, the petitioners of Writ Petition No.10837 of 2023 came to be nominated as members of the Syndicate of Rajiv Gandhi University of Health Sciences (hereinafter referred to as Rajiv Gandhi University) on 13.12.2022 which was under Section - 8 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 24 (1) (xii) of the Rajiv Gandhi University Act. It was mentioned in the notification that the term of the appointees would be with immediate effect and till further three years or till further government orders, whichever is earlier. 3.1 A corrigendum came to be issued on 06.02.2023, whereby the words or further government orders, whichever is earlier came to be deleted. The Revised Notification dated 07.02.2023 was issued by the Rajiv Gandhi University mentioning that the term of the office of the petitioners-members shall be for a period of three years with effect from 13.12.2022. 3.2 It is thereafter that the impugned Notification dated 25.05.2023 was issued cancelling the nominations of the appellants- petitioners with effect from 24.05.2023 on the ground of in the interest of public and administration of the University. It was claimed by the petitioners that the Honble Chief Minister had issued tippani dated 22.05.2023 directing cancellation of all nominations, on account of which the Notification dated

25.05.2023 was issued. 3.3 In the context of above premise of facts and pleadings, the writ petition was filed challenging the impugned Notification dated - 9 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 25.05.2023, whereby as stated above, the membership of the petitioners to the senate of the University was curtailed and they were ceased to be members from the date of the notification. Learned Single Judge passed interim order in favour of the petitioners placing the impugned Notification under suspension. 3.4 The facts of the other petition-appeal operate on similar lines. In other words, in both the cases, the appointment of the members or the Chairman, as the case may be, which was for three years came to be curtailed by issuing the Notification and the initial appointment was withdrawn.

4. While dismissing Writ Petition No.10994 of 2023 wherein the petitioner was appointed as Chairman of the Central Relief Committee, learned Single Judge observed thus: ... The nomination of the petitioner in W.P.No.10994 of 2023 to the Central Relief Committee is subject to pleasure of the State Government, as ordained in the statute itself. Therefore, the petitioner therein, on the score that he has become a Chairman does not have any right to so continue, on the score that the Chairman is an appointment and the members are nominated. The Chairman is appointed from out of the nominees. Therefore, the chairman cannot derive a higher right contending that it is an appointment and a member is a nominee. He is a - 10 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 nominee, appointed as a Chairman, amongst the nominees. Therefore, the birthmark of the petitioner as a nominee does not get effaced merely because he is anointed as the Chairman. 4.1 This petitioner-appellant was appointed as Chairman of the Central Relief Committee under the Beggary Act, which Committee is constituted under Section 4 of the Beggary Act. Section 4, in its sub-section (1) provides that Government may by notification constitute a Central Relief Committee. As per sub-section (2), the Committee shall consist of members, who would be the Secretary to the Government, Social Welfare and

Labour Department, the Director of the Social Welfare, the Secretary, Finance Department and 4 non-official members nominated by the government. It is contemplated that the Government may appoint one of the Members of the Committee as its Chairman and appoint a Secretary who may or who may not be a member of the Committee. 4.2 The petitioners appointment was under category (d), namely he was a Chairman out of 4 non-official members nominated by the Government. What is to be noticed is that Sub-section (3) of Section 4 of the Beggary Act provides that subject to pleasure of - 11 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 the State Government, the term of the office of the non-official members shall be for a period of three years. 4.3 The above provision expressly incorporates the doctrine of pleasure. The reasoning supplied by learned Single Judge to hold that the petitioner did not have any right to continue, that he was a Chairman appointed amongst the nominated members and that the State was within its right to discontinue the petitioner invoking the doctrine of pleasure.

5. This takes the Court to the controversy in Writ Petition No.10837 of 2023, the appellants whereof were nominated as the members of the Syndicate of the Rajiv Gandhi University under Section 24(1)(xii) of the Rajiv Gandhi University Act. The said sub- clause contemplates that six persons shall be nominated by the State Government from amongst the eminent personalities in the field of Health Science.

6. Assailing the impugned notification, grounds were raised by learned Senior Advocate for the appellants. It was firstly contented that the original Notification dated 13.12.2022 indicated membership of the senate to be of three years. Therefore, curtailment of the - 12 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 period of membership was not permissible at the pleasure of the appointing authority. It was next submitted that even otherwise by the Corrigendum dated 06.02.2023, the words "or further Government orders, whichever is earlier were omitted from the original notification, implying thereby that initially intention was there to apply the doctrine of pleasure, but the same was withdrawn. 6.1 It was thirdly submitted that the appellants could not be removed only for the reason that

there was a change in the political set up. It was fourthly submitted that, in any view, the doctrine of pleasure is not absolute and it does not have unrestricted application. Even in applying the doctrine of pleasure, the withdrawal of nomination could not have been done at sweet will of the State Government and that the abrupt withdrawal of nomination was arbitrary. 6.2 In support of the statement that the doctrine of pleasure could not be applied in whims, the decision of the Supreme Court in B.P. Singhal Vs. Union of India and another [(2010) 6 SCC331 for its paragraphs 21 to 24, 34 and 82 was pressed into service. Also relied on was the decision of this Court in B.K. Uday Kumar Vs.-. 13 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 State of Karnataka, By its Principal Secretary to Government and others [(2020) SCC OnLine Kar 43 relying on paragraphs 10 to 14 and the decision of the Bombay High Court in Dnyaneshwar Digamber Kamble Vs. State of Maharashtra and others [2016 (1) Mh.L.J.

602]. for its paragraphs 7 to 9. 6.3 It was finally submitted that Section 31 of the Rajiv Gandhi University Act stipulates that the members of the Syndicate shall hold the office up to the date of next constitution of the body of Senate. It was therefore submitted that as the Senate is not constituted, the appellants-petitioners are entitled to continue as nominated members in the Senate until and unless the Senate is constituted. 6.4 On the other hand, learned Advocate General for the State as well as Senior Advocate for the University highlighted that the membership of the appellants to the Senate was by virtue of nomination. Relying on the reasoning of the Single Judge, it was further submitted that the idea of nomination would suggest that the nominee had no right to continue. It was contended that the - 14 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 nomination was bound by doctrine of pleasure and that it was open for the State Government to withdraw the nomination. 6.5 It was submitted on the basis of the decision of this Court in The State of Karnataka, Dept. of Health and Family Welfare (Medical Education) and others Vs. Dr. Deepthi Bhava and others, which was Writ Appeal No.617 of 2021 decided on 25.09.2021 that a nominated member

has no vested right to the post. It was submitted that in absence of minimum tenure prescribed under Section 31 of the Rajiv Gandhi University Act, the doctrine of pleasure has to be read into. 6.6 A decision of the Supreme Court in Krishna S/o Bulaji Borate Vs. State of Maharashtra and others [(2001) 2 SCC441 was pressed into service to submit that the doctrine of pleasure is inherent in the very nature of nominated decisions. The doctrine may be stated expressly or it is implied. However, in both the situations, it was submitted, it has equal force. 6.7 While advancing the above submissions, it was further contended on behalf of the respondents that in any case as per Section 31 of the Rajiv Gandhi University Act, the term of the - 15 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 Senate is provided to be three years from the date of its constitution. It was submitted that three years got over on 15.06.2024 and that the appellants who are continued as members by virtue of the interim order of this Court have exhausted the period of three years as members of the Senate. It was submitted that when the term of the Senate itself is three years and which has expired, the petitioners, in any case, cannot continue as members.

7. Admittedly, the term of three years for the Syndicate of the University is over. The appellants have continued to hold the position of the members of the Senate by virtue of the interim order which is operated since 24.04.2024. In this view, the ground originally raised to challenge the Notification, whereby the term of the appellants-petitioners as members was curtailed before completion of three years and further in that light whether the doctrine of pleasure was applicable and if applicable it was rightly applied, whether it was properly invoked or not and the related aspects, pale into backdrop and may not require to be adjudicated. 7.1 As the three years period is over and the petitioners have enjoyed their term by virtue of operation of interim order for the said - 16 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 total period, the Court is not inclined to and dissuades itself to go into the merits of the impugned Notification and in respect of the grounds relating to justification of invocation of or applicability or otherwise of the doctrine of pleasure,

as it will be an academic exercise. It is trite that the Court would not undertake academic adjudication. Therefore, no opinion in that regard is expressed, leaving those issues to be agitated and decided in an appropriate case. 7.2 The issue in the forefront now is where the three years term of the Syndicate is over, whether the petitioners are entitled to continue beyond the term of the body itself of which they are the nominated members. 7.3 In order to examine the aforesaid aspect-whether the appellants are entitled to continue any further as members of the Syndicate, the relevant provisions of the Rajiv Gandhi University Act may be visited with. Section 20 of the Rajiv Gandhi University Act mentions the Authorities of the University which includes the Syndicate. Section 24 was that the Syndicate shall consist of the - 17 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 members mentioned therein. In all, 12 categories of members are mentioned. 7.4 The petitioners nomination comes under clause (xii) which provides that six persons shall be nominated by the State Government from amongst the eminent personalities in the field of Health Sciences which would again consists of the categories mentioned in (i) to (iii). The nominations of the petitioners, as stated, was under the aforesaid provision. 7.5 Thus, the constitution of the Syndicate as provided for under Section 24 of the Rajiv Gandhi University Act consists of total 24 members out of which 8 are ex-officio, 3 members are elected and 12 are nominated members. 7.6 Section 31 of the Rajiv Gandhi University Act deals with the term of the office of the members of the Syndicate. The said section is extracted herein, 31. Term of office of the members of Senate, Syndicate and Academic Council:- Save as otherwise provided in this Act the Senate, Syndicate and Academic Council shall be reconstituted at or about same time every three years, and members of the authorities shall except in the case of ex-officio members hold office as - 18 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 members thereof up to the date of next reconstitution: Provided that no person nominated or elected to any of the authorities specified in section 20 shall hold office for more than two consecutive terms in such authority.

7.6.1 The above provision contemplates that Senate/Syndicate/ Academic Council shall be constituted at or about the same time every three years. It is further provided that the members of the authorities shall except in the case of ex-officio members hold office as members up to the date of next reconstitution. 7.6.2 Section 56 of the Rajiv Gandhi University Act may also be mentioned which deals with the filling up of casual vacancies to provide that such vacancies amongst the members other than ex- officio may be filled in once they arise and that the persons nominated to a casual vacancy shall be a member of such body for the residue of the term for which the persons in whose place he is nominated would have been a member. The Proviso to the section says that that if the casual vacancy occurs within six months before the date of the expiry of the term of the members, the casual vacancy shall not be filled in. The indication from this Section is that - 19 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 member who may enter the body of Syndicate upon arising of a casual vacancy, will continue as member till the expiry of the term of the body. 7.7 What necessarily emanated from the above provisions of the Rajiv Gandhi University Act, more particularly, Section 31 read with Section 56 of the Act is that the member of the Senate shall not continue beyond the term of the Senate. The membership of nominated members or other members except ex-officio members would be co-terminus with the tenure of the Syndicate. Once the three years period is over, membership of nominated member would come to an end automatically and the Syndicate shall be reconstituted. The Syndicate is a permanent body.

8. The decision of the Division Bench in Deepthi Bhava (supra) stands in fortification to the above reading of the provisions relating to the term of the Syndicate and the co-terminus nature of the membership of the Syndicate. It was observed by the Division Bench that Sections 21 and 24 deal with the constitution of the Senate and Syndicate of the University.-. 20 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 8.1 The Division Bench after discussing the provisions of Sections 21 and 24

observed and held thus in paragraph 10, Section 31 of the Act provides that Senate, Syndicate and Academic Council shall be reconstituted at or about the same time every three years and members of the authorities shall, except in case of ex-officio members, hold office as members thereof up to the date of next reconstitution. Thus, on plain reading of Section 31, it is evident that the same provides that Senate, Syndicate and Academic Council shall be reconstituted at or about the same time every three years. Section 31 further provides that authorities except ex-officio members shall hold office up to the date of next reconstitution. In other words, the members of the authorities have a right to continue in office only up to the date of next reconstitution and the reconstitution Senate, Syndicate and the Academic Council has to take place in three years.

8.2 As per the details furnished to the Court, the first Syndicate of the Rajiv Gandhi University was constituted by the Notification dated 31.05.1997 for a period from 31.05.1997 to 30.05.2000. Thereafter, every three years the Senate was constituted. Lastly, it was the 9th Syndicate which was constituted on 16.06.2021 for a period of three years, which was over on 15.06.2024. 8.3 The Syndicate as a body has permanent status. Its tenure is mandated by statutory provision of Section 31 of the Rajiv Gandhi - 21 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 University Act. As the Syndicate is a permanent body, it stands reconstituted by operation of law every three years. The reconstitution of body of the Syndicate is not dependant upon the period of nomination of the members by any authority, instead the membership of the Senate, has to submit to the outer limit of the tenure of the Syndicate. 8.4 It is not perceivable, nor it is possible to hold any light of the above clear statutory provisions that any member who is not an ex- officio member has a right to continue as member beyond and after the term of three years of the Syndicate. The statutes fixes the outer limit. Upon expiry of three years period, the Syndicate will be reconstituted, the reconstitution of the Syndicate occurs by operation of law.

9. In the facts of the present case, since the interim order dated 24.04.2024 worked out for itself in favour of the petitioners- members and by virtue of

protection of the interim order, they having continued till the full term of three years as Syndicate members and the term of three years having been expired on - 22 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 15.06.2024, they cannot now claim any right to continue as members any further. 9.1 The controversy originated in the writ petitions and dealt with by learned Single Judge about the validity of Notification dated 25.05.2023 cancelling the nominations and whether the doctrine of pleasure was applicable or it was rightly applied, are the questions rendered academic in the realm in view of developments in light of interim order. The Court would not touch the academic issues to pronounce on merits thereof.

10. In view of the above discussions, as the term of the Syndicate is over, consequentially, the membership of the appellants- petitioners which was co-terminus with the period of the Syndicate has also come to an end. No right survives for any of the appellants to continue as members.

11. In the aforesaid view, the interim relief granted on 24.04.2024 is vacated. All the three appeals are dismissed in view of what is observed and held hereinabove.-. 23 - NC:

2024. KHC:31562-DB WA No.635 of 2024 C/W WA No.714 of 2024 WA No.870 of 2024 Interim Application No.2 of 2024 filed by the Rajiv Gandhi University seeking clarification about the continuance or otherwise of the interim order would not survive. It is accordingly disposed of. Sd/- (N. V. ANJARIA) CHIEF JUSTICE Sd/- (K V ARAVIND) JUDGE AHB List No.:

1. SI No.:

1.

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