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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

FRIDAY, THE 27TH DAY OF JUNE 2025 / 6TH ASHADHA, 1947

WP(C) NO. 3291 OF 2025

PETITIONER:

DR. VINU THOMAS
AGED 52 YEARS, S/O. CHACKO N. THOMAS,
NANTHIKATTU HOUSE, NEAR ST. ANTONY'S CHURCH,
SHANTIPURAM-99, THRIKKAKARA P.O., VAZHAKKALA
VILLAGE, ERNAKULAM DISTRICT, WORKING AS DEAN
(ACADEMIC), APJ ABDUL KALAM TECHNOLOGICAL
UNIVERSITY, SCHOOL OF MANAGEMENT BUILDING,
CET CAMPS, THIRUVANANTHAPURAM., PIN - 695016.

BY ADVS.
SRI.BABU JOSEPH KURUVATHAZHA
SMT.ARCHANA K.S.
SHRI.MOHAMMED SHAFI.K
SHRI.NOEL EALIAS

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 DIRECTOR
INSTITUTE OF HUMAN RESOURCES DEVELOPMENT,
PRAJOE TOWERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM., PIN - 695014.
- 3 PRINCIPAL
MODEL ENGINEERING COLLEGE, THRIKKAKARA,
THRIKKAKARA P.O., ERNAKULAM, KOCHI,
PIN - 682021.



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BY ADV.**SHRI. M. RAJAGOPALAN NAIR, SC,****INSTITUTE OF HUMAN RESOURCES DEVELOPMENT-IHRD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27.06.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



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D. K. SINGH, J.

“C.R”

W.P.(C) No. 3291 of 2025

Dated this the 27th day of June, 2025

JUDGMENT

1. The petitioner is Dean (Academic) of the APJ Abdul Kalam Technological University, Thiruvananthapuram. He is also in-charge of Dean (Research) of the same University.
2. Before reaching the present position, the petitioner was appointed as Lecturer in Electronics on contract basis in the Institute of Human Resources Development (IHRD), an independent State Government Institution initially on contract basis on 03.07.1995 and his services came to be regularized from 01.09.1998. The petitioner was promoted as Associate Professor in the IHRD on 21.07.2007. He was further promoted as Professor in the IHRD on 09.09.2016 and he successfully completed the probation on the post of Professor on 11.06.2018. The petitioner was given charge of the Principal of the Model Engineering College, Thrikkakara on 15.11.2018 where he continued as such till 26.10.2021. Thereafter, he was transferred as Professor and Principal-in-Charge of the College of Engineering, Cherthala. While continuing so, he was appointed as Dean



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(Academics) in APJ Abdul Kalam Technological University vide the order in Exhibit P-1 dated 15.10.2022.

3. The petitioner's education credentials are M. Tech Degree from the Cochin University of Science and Technology (CUSAT) on 02.08.2001. He got Ph.D. degree from the same University on 16.11.2009.

4. It appears that the internal audit of accounts was held in Model Engineering College, Thrikkakara when the petitioner was acting as the Principal-in-Charge of the said College and certain objections regarding purchase of fish, meat, egg, milk etc. in the Boys/Men's Hostel were pointed out. The petitioner was issued with the Charge Memo along with Statement of Allegations dated 30.07.2024 in Exhibit P-11. The Exhibit P-11 on reproduction would read as under;

MEMO OF CHARGES

(Charge against Dr. Vinu Thomas, Professor & Principal (in-charge), Model Engineering College, Ernakulam)

1. THAT you, Dr. Vinu Thomas, Professor, while holding charge of the Principal, Model Engineering College Ernakulam committed severe supervisory lapse leading to large scale misappropriation of public money, fraudulent transactions and massive irregularities in the institutional accounts, hostel accounts and Parents & Teachers' Association (PTA) accounts of Model



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Engineering College Ernakulam OF during the period of 01.01.2019 to 31.01.2021.

2. Hence, you are requested to show cause why disciplinary action as contemplated under Rule 15 of the Kerala Civil Services (Classification, Control & Appeal) Rules, 1960 should not be taken against you. You are allowed 15 days from the date of receipt of this communication to submit your written statement of defense. If your written statement is not received within the specified time, the matter will be proceeded with on presumption that you have no explanation to offer. You are also required to state whether you desire to be heard in person. You may peruse the relevant records of this office mentioned in the statement of allegations and take down extracts from them if so desired, on any day prior to the due date for submission of your written statement of defense on any day which will be fixed in advance at your request.

3. A statement of allegations on which the above charge is based is hereto attached.

Sd/-
DIRECTOR

STATEMENT OF ALLEGATIONS

1. The Internal Audit Wing of IHRD, while conducting the audit of accounts of Model Engineering College, Ernakulam for the period from 01.01.2019 to 31.10.2023 has reported severe lapses, irregularities and misappropriation of public money in the institutional accounts, PTA accounts and accounts of the Students' Hostel of the College during the period Shri. Vinu Thomas held charge of the Principal of the College. Irregularities



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and misappropriation reported in the institutional accounts include belated settlement of huge amounts of advance, procedural lapse, unauthorized certification of works without delegation of power etc. Misappropriation and irregularities reported in PTA accounts include repeated severe financial irregularities like sanction of civil works and payments without observing delegation of powers, payments made against blank receipts, payments without proper sanction of work, road tarring work beyond delegated financial powers, belated settlement of advance, fraudulent sanction of work and payment made to different firms with same GSTIN, fraudulent quotations in bogus letterheads, suspected forgery etc. Severe lapses, irregularities and misappropriation of public money in the accounts of the Students' Hostel accounts are also there in the report like fraudulent purchase of provision and grocery without observing Purchase Rules and through bogus bills in continuous serial numbers in non-chronological order and also using duplicate counterfoils of already used bills etc. Unauthorized sanction of payment for repair works and payment through vouchers with different signatures synonymous of forgery, sanction of purchases and payments on unauthorized submission, irregular payments without sanction, unauthorized retention of money, irregular payments for work done without sanction at appropriate level, unnecessary large scale wholesale purchase of provision/grocery worth lakhs of Rupees purposefully, for the hostel when the hostels were closed during the Triple Lock Down period of COVID-19 Pandemic and payments made against non-certified work bills have also been reported. These irregularities and misappropriation of public money persistently for a long period could not have been performed by the delinquent officers



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but for your connivance, co-operation, collaboration and supervisory lapse.

2. After having examined the available records in detail, IHRD has come to the conclusion that the allegations are so serious in nature that are unbecoming for the Head of a government owned educational institution, who is supposed to set a model for future generation. Therefore, your reported action tantamount to gross dereliction of duty that warrants disciplinary action. Hence the Charge Memo.

Sd/-
DIRECTOR

5. On receipt of the Charge Memo, the petitioner requested certain documents for preparing his reply to the Charge Memo and when he was denied desired documents, the petitioner approached this Court in W.P.(C) No. 33869 of 2024. The learned Single Judge vide the Judgment dated 27.09.2024 disposed of the writ petition with direction to the 2nd respondent to supply the copies of the documents asked for by the petitioner which has been placed reliance in the Statement of Allegations. This Judgment of the learned Single Judge came to be challenged in W.A. No. 1698 of 2024 by the respondents 2 and 4 (the Director of IHRD and Principal, Model Engineering College, Thrikkakara respectively) of W.P.(C) No. 33869 of 2024 and the learned Division Bench of this Court vide the



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Judgment dated 25.10.2024 set aside the Judgment of the learned Single Judge.

6. The petitioner wants to make inspection of the relevant documents relied on in the Statement of Allegations and take digital copy of the relevant pages where the petitioner's reference has been made. However, relying on the Judgment of the Division Bench, the petitioner was not permitted to take the digital copy of the relevant pages. The petitioner has not been allowed to demand the documents but, the learned Division Bench has not directed that the petitioner is also not entitled to take the digital copy of the relevant pages and even otherwise, the principle of natural justice would demand that delinquent employee must be supplied with all the documents which are being relied on by the Disciplinary Authority in support of the charges. The conduct of the respondents not allowing the petitioner to take digital copy of the relied on documents which are relevant for preparing the defence of the petitioner is totally against the law and in violation of the principles of natural justice. Unless and until the incriminating material is put to the delinquent employee, it would not be possible for the delinquent employee to prepare his defence/response to the charges. This attitude of the in-



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Charge Director for not even allowing the petitioner to take digital copy of the relevant pages of the Audit Report appears to be nothing but a vindictiveness of the Director who is said to be not qualified to hold the post inasmuch as he was appointed as a Clerk in the Institution and who has not taught a single day.

7. The post of the Director of IHRD is equivalent to the post Vice Chancellor of a University. For appointment of the Vice Chancellor of the University, as per the UGC Regulations, 2018 seven years experience on the post of Professor is a must. This Court finds it strange that a 'clerk' got 'promotion' because of his political influence and now he is holding the charge of such a prestigious institution (IHRD) as Director. Whether the present Director-in-Charge is entitled to hold the post of Director of IHRD or he has usurped the post of the Director of IHRD is to be looked into by the learned Division Bench which is dealing with the Public Interest Litigation (PIL). Therefore, while directing the respondents to allow the petitioner to take the digital copy of the relevant pages, *suo motu* case is registered for examining the qualifications of the present Director-in-Charge of IHRD to hold the post Additional Director/Director in Charge of the IHRD.



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8. The Registry is therefore directed to register *suo motu* PIL in Dr. Vinu Thomas v. Dr. V. A. Arun Kumar, the Director in Charge of IHRD and place the matter before the Division Bench for decision on the said issue whether the present Director in Charge of IHRD should be allowed to usurp the post of Director of IHRD because of his political influence as he is said to be the son of the erstwhile Chief Minister of the State.

With the above directions, the present writ petition is hereby disposed of.

Sd/-
D. K. SINGH
JUDGE

Svn



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APPENDIX OF WP (C) 3291/2025

PETITIONER'S EXHIBITS

- EXHIBIT-P1 TRUE COPY OF THE ORDER NO.U.O.2599/2022/KTU DATED 15.10.2022, APPOINTING THE PETITIONER AS DEAN (ACADEMIC) OF APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, THIRUVANANTHAPURAM.
- EXHIBIT-P2 TRUE COPY OF THE ORDER NO.U.O.990/2024/KTU DATED 27.3.2024, APPOINTING THE PETITIONER AS DEAN (RESEARCH) WITH THE FULL ADDITIONAL CHARGE OF THE UNIVERSITY, WITH EFFECT FROM 1.4.2024.
- EXHIBIT-P3 TRUE COPY OF THE ORDER NO.EA2/14684/2017/HRD DATED 11.6.2018 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P4 TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED BY THE 2ND RESPONDENT DATED 18.3.2024, PERTAINING TO THE SERVICE RENDERED BY THE PETITIONER.
- EXHIBIT-P5 TRUE COPY OF THE M.TECH. DEGREE CERTIFICATE OF THE PETITIONER DATED 2.8.2001 ISSUED FROM COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY.
- EXHIBIT-P6 TRUE COPY OF THE PH.D. CERTIFICATE DATED 16.11.2009 OF THE PETITIONER ISSUED BY THE VICE CHANCELLOR, CUSAT.
- EXHIBIT-P7 TRUE COPY OF THE RESUME OF THE PETITIONER.
- EXHIBIT-P8 TRUE COPY OF THE LETTER DATED 23.4.2024 ISSUED BY THE 2ND RESPONDENT TO THE REGISTRAR OF APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY.
- EXHIBIT-P9 TRUE COPY OF THE LETTER DATED 13.5.2024 ISSUED BY THE 3RD RESPONDENT.



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EXHIBIT-P10 TRUE COPY OF THE FINDINGS OF THE INTERNAL AUDIT PARTY OF THE 2ND RESPONDENT DATED 18.5.2024.

EXHIBIT-P11 TRUE COPY OF THE MEMO OF CHARGES DATED 30.07.2024 ISSUED BY THE 2ND RESPONDENT, ALONG WITH THE STATEMENT OF ALLEGATIONS.

EXHIBIT-P12 TRUE COPY OF THE LETTER DATED 5.8.2024 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P13 TRUE COPY OF THE LETTER NO.IHRD/831/2024-EA2 DATED 20.09.2024 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P14 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 27.9.2024 IN W.P.(C) NO. 33869/2024.

EXHIBIT-P15 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 25.10.2024 IN W.A. NO.1698/2024.

EXHIBIT-P16 TRUE COPY OF THE PROCEEDING DATED 11.11.2024 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P17 TRUE COPY OF THE REQUEST 18.11.2024 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P18 TRUE COPY OF THE LETTER DATED 18.11.2024 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT-P19 TRUE COPY OF THE LETTER NO.IHRD/831/2024-EA2 DATED 29.12.2024 ISSUED BY THE 2ND RESPONDENT.