

Kerala State Higher Education Council
Minutes of the 15th Executive Body meeting held on 08-11-2019

The Fifteenth Executive Body Meeting of the third KSHEC was held on 08-11-2019 at 11.00 am. at the office of the Council. Prof. Rajan Gurukkal P.M. Vice Chairman presided.

The following members attended the meeting.

1. Prof. Rajan Gurukkal P.M. : Vice Chairman, KSHEC
2. Dr. Rajan Varughese : Member Secretary, KSHEC
3. Dr. Fathimathu Zuhara : Member, Executive Body, KSHEC
4. Dr. J. Rajan : Member, Executive Body, KSHEC

The following agenda was transacted and decisions taken.

Item No. 1. Report of the Committee constituted by the Kerala State Higher Education Council for Standardizing the Non-teaching Posts of Universities

Approved the Report of the Committee constituted by the Kerala State Higher Education Council for Standardizing the Non-teaching Posts of Universities and decided to forward the same to the Government.

Item No. 2 Upper Age Limit – Assistant Professor/ Professor.

After detailed discussion, it was resolved to recommended to the Government/ Universities that while keeping the maximum age limit as 40 for Assistant Professors, relaxation in upper age limit of 5 years for direct recruitment of Assistant Professors shall be provided in the case of persons already in the regular teaching service in Universities, Govt. and aided colleges in Kerala subject to the condition that in no case shall the maximum age limit exceed 50 years.

Item No. 3 Common Entrance test for undergraduate programmes –Govt. Letter.

After detailed discussion, it was decided to recommend to follow the existing system of admission for UG programme based on marks obtained at the Board/qualifying examination level.

Item No. 4 Representation of Anupama P.M. Guest Lecturer. RLV college related to filling up of vacancies in RLV college of Music and Fine Arts, Tripunithara.

Resolved to report to the Government the matter pertaining to filling up of vacancy (Teaching) positions in the Department of Bharathanatyam, RLV college of Music and Fine Arts, Thripunithura.



Item No. 5 Representation of Sri. Jose Raj S., Sri. Bincy Thomas and Sri. Antin Vinod H. of KSHEC related to regularisation of service.

Resolved to recommend to the government to regularize the service of Shri. Jose Raj. S (Office Attendant), Shri. Bincy Thomas (Office Attendant) and Shri. Antin Vinod (Driver) who are working in the KSHEC for the last 11 years.

It was further resolved to sanction overtime allowance to employees of KSHEC as per rules.

Item No. 6 Reservation for Ex-Servicemen in Professional Courses of the Universities in Kerala- Letter from the Government.

Resolved to recommend the Government to create additional seats for Management programmes in Universities and affiliated Colleges/ Institutions exclusively for the purpose of accommodating Ex- service men, subject to the norms and eligibility conditions of Universities/ regulatory bodies including All India Council for Technical Education (AICTE)- as Management education falls under the purview of AICTE.

Item No. 7 Lateral Induction of Eligible EX-NDA Cadets in various programmes of the Universities in Kerala – Letter from the Government.

Resolved to recommend to the Government to permit lateral induction of eligible Ex-NDA cadets in various Degree programmes of the Universities/ colleges in the state subject to the rules/ regulations related to admission and eligibility of the Universities and based on an MOU to be signed between the state Government and NDA authorities in this regard.

Item No. 8 Higher Education Summit.

Resolved to organise Higher Education Summit in January/ February 2020

Item No. 9 Reporting – KSHEC, Advice to Mahatma Gandhi University, Kottayam in resolving the controversy over the awarding of additional marks for engineering students.

Reported the details of the Advice given to Mahatma Gandhi University, Kottayam in resolving the controversy over the awarding of additional marks for engineering students, as given below.



In exercise of the powers conferred on the Kerala State Higher Education Council Act (2007 & 2017), Amendment of Section 4 of the Principal Act-

(sub section 1 a) – to render advice to the Government, Universities, Colleges and other Institutions of higher education in the state in matters of access, equity and excellence in higher education &

Amendment of Section 6 of the Principal Act- (sub section 4) – the Visitor may refer any matter relating to higher education and higher education Institutions, as he deems fit, for the expert opinion of the Council.

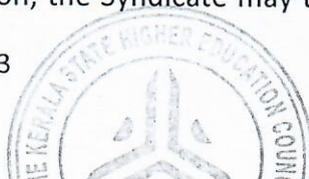
The Council offers its following considered advice in a widely discussed issue pertaining to awarding of additional marks for engineering students by the syndicate of the Mahatma Gandhi University, Kottayam.

The Syndicate is the Chief Executive Body of the University. In terms of Section 23 of the University Act, it is empowered to conduct University examinations, approve and publish the results thereof. The powers of the Academic Council are to advise the Senate and Syndicate in all academic matters. It is its power to prescribe the qualifications for admission of students to various courses and to the examination and condition under which the exemption may be granted.

Section 39 deals with Regulations which says that the Academic Council may make regulations regarding the course of study and conduct of examination and the procedure for making Regulation is laid down under Section 40. It is the power of the Board of Studies to recommend persons suitable for appointment as question paper settler, examiners in the subjects and make recommendations regarding the course of study and examination in subjects with which it deals.

It is within the powers of the Syndicate of the University to make arrangements for conduct of examinations in accordance with law of the University and for the supervision of such examinations, so also incidental matters like taking action against persons misbehaving in the examination etc.

A scanning of the University Act and Statute positively indicates that the course Regulation and Examination Regulation are made by the Academic Council and the power of the Syndicate is to conduct examinations in accordance with law. It is the powers of the Syndicate to approve and publish the result in accordance with law and not otherwise. While approving the results of the examination, the Syndicate may take into consideration



the recommendation of the committees appointed by the Board of Studies or the Academic Council, ie pass board. But, neither the pass board nor the Academic Council or board of studies can deviate from the regulations framed by the Academic Council. Though the power to make regulations vest with the Academic Council in the absence of any provision for relaxing the regulation by anybody/authority in the Regulation it cannot by itself or the Syndicate by its own violate the regulations and relax the conditions contained in the Regulations.

The statutory bodies created under the Act and Statute should function within the powers conferred on it under the Act and not beyond their powers conferred. While approving the results, certainly the Syndicate being the Chief Executive body of the University may grant moderation to a class of students for reasons to be recorded, to raise the marks obtained by the candidates necessary to secure the minimum required for a pass. But, if the results are approved and published, it cannot by itself review its own decision and grant any moderation.

Though the Senate is the supreme body of the University its powers and functions are also codified in Section 19. Going by the Mahatma Gandhi University Act, the Senate cannot annul a proceedings of the Syndicate.

Though there is no express power on the Syndicate to review its decisions, for valid reasons it can reconsider the same since there is no statutory prohibition in reconsidering the decision. Certain Statutes imposes limitation on reconsideration of their decision, but such limitations are not contained in the University Act. To correct a mistake is always inherent in every authority.

Hence the Syndicate of the University can invoke its inherent powers to reconsider their earlier decisions and take an appropriate decision in the matter. But, such decision shall not be against any codified statutory provisions and that conduct and publication of result of examination can be made only in accordance with law and standard or minimum marks required for passing the examination is prescribed in the regulations framed by the Academic Council and even the Academic Council cannot relax the regulations by itself, since there is no enabling provisions.

For addressing the grievances of the students, Syndicate can also recommend supplementary/special examinations and recommend to the Academic Council for mercy chance examinations if needed.



Additional Agenda

Item No. A1. Draft Guidelines for PG curriculum

Draft guidelines for PG curriculum was approved and it was decided to circulate the same among stake holders.

Item No. A2. Affiliation for Self Financing Programmes in Autonomous Colleges – Opinion sought by the Government and the letter of Manager – Mar Ivanios College, TVM.

The meeting considered the following decisions of the Autonomy Approval Committee in the matter.

- a. University laws/ regulation with regard starting of new programme shall be mandatorily followed by the Autonomous Colleges. This is vital to ensure transparency and accountability in the process. The University must give its decision within six months after the receipt of application. The University has the power to fix the fee in this regard. Deeming approval provision shall be used by the Autonomous Colleges only after this period.
- b. In the light of proliferation of Self Financing Programmes in Autonomous colleges beyond their Academic resources and infrastructural facilities, Universities have to tighten their regulatory function.
- c. The academic programmes of Autonomous Colleges are not recognized by the Universities of the state. This would affect the future of the students. Steps should be taken to recognize the academic programmes of Autonomous Colleges by the Universities of the State.

Considering the seriousness of the Autonomy Approval Committee decision, it was resolved to recommend to the Government to take necessary steps to commence new academic programmes in public funded higher education institutions in the State subject to the provisions of University laws in this regard.

Item No. A3. Prabudhata SKOCH Award, New Delhi – Travel

Resolved to approve all the expenditure incurred in connection with the Prabudhata and the SKOCH Award distribution function held in New Delhi including air travel expenses of the officers of the Council.



Item No. A4. Weightage for PG admission- Letter from Registrar, Kannur University.

Based on the decision of the Pro Vice Chancellor's committee meeting held on 12/07/2019, it was resolved to recommend to all the Universities in the State to do away with the practice of giving weightage for PG admission to those students who have done their undergraduate programme in the same university w.e.f 2020-21 admission.

Item No. A5. Scheme for Compassionate employment for non teaching staff in aided colleges – representation of Sri.N. Sathyanandan, Governing Body member, KSHEC

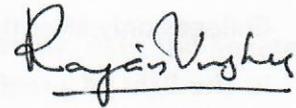
After detailed discussion, it was resolved to recommend to the Government to implement the Scheme for Compassionate employment for non teaching staff in aided colleges.

The minutes were read and confirmed.

The Executive Body meeting began at 11.00 am and came to an end at 1.00 pm



Vice Chairman



Member Secretary

