



UNIVERSITY OF KERALA
Preliminary Minutes of the Special Meeting of the
Syndicate held on 18.03.2022

Place of Meeting : University Buildings,
Thiruvananthapuram
 Time : 11.00 AM

Members Present:

1. Prof.(Dr.) V.P.Mahadevan Pillai (*In the Chair*)
Vice-Chancellor
2. Prof.(Dr.) P.P.Ajayakumar
Pro-Vice-Chancellor
3. Dr.M.Vijayan Pillai
4. Dr.K.B.Manoj
5. Dr.K.G.Gopchandran
6. Sri.Jairaj.J
7. Adv.G.Muralidharan Pillai
8. Adv.K.H.Babujan
9. Sri.Bijukumar.G
10. Dr.S.Nazeeb
11. Adv.B.Balachandran
12. Prof.K.Lalitha
13. Smt.Renju Suresh

Online presence

1. Dr.Mathew.V

***Item No.01 The Kerala University Provisional Employees Provident Fund Scheme -
Consideration of – reg.***

(Ad A VII)

The Syndicate at its meeting held on 12.06.2019, vide Item No. 10.65, considered the opinion of the Standing Counsel to introduce a separate PF for the contract staff under the University and resolved to institute a separate PF Scheme for coverage of all contract employees working in the various institutions under University, adhering to the provisions of the Kerala University Act and Statutes and to place this recommendation before the Senate. The Senate meeting held on 13.06.2019, vide item No.12, passed the above proposal, subject to Legal vetting.

In the meanwhile, Assistant Provident Fund Commissioner has forwarded the Proceeding No. KR/RO/TVM/1654746/ Enf.I(1)/2021/3675 dated 07.10.2021 in the matter of enquiry under section 7A of the EPF Act, 1952 for deciding the applicability of EPF Act to the employees of University Institutes of Technology (UIT).

The learned opinion of the standing counsel were sought on whether the Paragraph 12 “Insurance scheme” of the draft can be avoided at the time of introduction of the PF Scheme. The Standing Counsel, vide letter No. TA/SC-LO-33/2022 dated 28.02.2022, opined that Clause 12 (Insurance Scheme) can be avoided at the time of its introduction and any further delay in the finalization of the PF scheme could not be afforded.

It may be noted that:

The Section 74 of the Kerala University Act, 1974 under Chapter IX provides that:

Pension, insurance and provident fund: -With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and Provident Fund and for such other benefits as it deem fit, in Such manner as may be prescribed by the Ordinances.

In obedience to the orders of the Vice Chancellor, the following proposals and the suggestions rendered by the Standing Counsel are placed before the Syndicate for consideration.

- A) *the draft PF Scheme for Provisional Employees who executed a contract with the Registrar, viz, "The Kerala University Provisional Employees Provident Fund Scheme" may be approved.*
- B) *the approval of the Government may be sought for implementing the PF scheme for Provisional Employees of the University, as per the mandate of the section 74 of the Kerala University Act, 1974.*
- C) *the amendment to the chapter XVI of the Kerala University First Ordinances, 1978, for incorporating the PF scheme for the Provisional Employees of the University may be considered (proposal vetted by the Standing Counsel appended).*

Resolution of the Syndicate

RESOLVED that the above proposals be agreed to.

FURTHER RESOLVED that the proposal at Sl. No.C be placed before the Senate for consideration.

Appendix

**THE KERALA UNIVERSITY PROVISIONAL
EMPLOYEES PROVIDENT FUND SCHEME, 2022**

1. **Short Title and Commencement:-**
 - (1) This scheme may be called the Kerala University Provisional Employees Provident Fund Scheme, 2022
 - (2) The scheme shall come into force on such date as the University may decide and notify in the Gazette.
2. **Definitions:-** In these schemes, unless there is anything repugnant in the subject or context:-
 - a) "Act" means the Kerala University Act, 1974;
 - b) "Appellate Authority" means the Appellate Authority constituted under the provisions of this Scheme;
 - c) "Provisional Employee" means an incumbent who executed a contract with the Registrar and include all classes of employees in Schedule 1 of this scheme other than re-employed pensioners;
 - d) "Emoluments": except where otherwise expressly provided means remuneration of all kind and includes salary, wages, or consideration payable in the form of money;
 - e) "Fund" means the Kerala University Provisional Employees Provident Fund;
 - f) "Immediate Employer" means the officer under whom the provisional employee actually discharges his duty;
 - g) "Subscription" means the amount payable by a provisional employee to the Fund;
 - h) "Year" means a financial year.
3. Any other expression used in this scheme which is defined either in the Kerala University Act, 1974 or in the Statutes and Ordinances framed there under is used in the sense therein defined.
4. **Constitution and utilization of Fund :-** There shall be a Fund called the Kerala University Provisional Employees Provident Fund and the Fund shall be maintained in rupees. Subject to the provisions of the Kerala University Act, 1974 as well as the Statutes and Ordinances framed there under, the fund shall be used in the form and manner as has been prescribed in this scheme.
5. **Application for subscription :-**
 - a) A provisional employee who is eligible for subscription as per this scheme shall make an application to his immediate employer in the prescribed form together with accompanying documents necessary for such subscription.

- b) The immediate employer upon receipt of such subscription shall scrutinize the application so submitted and forward the same to the Finance officer, within 7 working days from the date of receipt of application with necessary recommendations.
- c) The Finance Officer shall, upon receipt of application allot subscription number, if he is satisfied that the application is in order.
- d) Deductions towards subscription shall be effected either prospectively or retrospectively as the case may be at the will of the provisional employee and the deductions to this effect shall commence with effect from the succeeding month. Necessary orders in writing shall be issued with regard to grant of subscription. The order shall contain particulars such as name of provisional employee, Subscription number, amount subscribed and other relevant entries.
- e) The matter of subscription shall be reported to the Syndicate within two months.

6. Contribution to the Provident Fund :-

- a) A provisional employee who is desirous of contributing to the Provident Fund and duly submitted an application as per paragraph 5 of this scheme is eligible to contribute to the Fund an amount which is equal to 12 % of the monthly emoluments payable to him:
Provided that, the employer shall also contribute to the Fund an amount which is equal to 12% of the monthly emoluments payable the provisional employee:
Provided further that, the amount so contributed by the provisional employee shall not exceed 50% of the emoluments payable to the employee by the employer per mensem.
- b) An account shall be prepared in the name of each subscriber and shall show the amount of his subscriptions with interest thereon as prescribed in the scheme, as well as advances and withdrawals from the Fund.

7. Rate of Interest on contribution:- The rate of interest from time to time payable on the deposit in the Provident Fund shall be on par with the rate of interest accrued by a permanent employee who is a subscriber to the University Provident Fund. Interest accrued on deposit shall be credited with effect from first day of the month after the contract period of each subscriber in the following manner;

- a. On the amount at the credit of a subscriber after the last month of the contract period less any sum withdrawn.
- b. Interest for the portion withdrawn may be calculated up to the last day of the month preceding the month of withdrawal.
- c. The total amount of interest may be rounded to nearest whole rupee.
- d. Where there has been a delay in the drawl of remuneration and consequent delay in the recovery of subscription the interest on such subscription may be paid from the month in which remuneration was actually due.

8. Nominations:- A subscriber shall, at the time of joining the Fund, send to the immediate employer along with his application in prescribed form, a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the Fund, in the event of his/her death before that amount has become payable, or having become payable; has not been paid:

Provided that, if at the time of making the nomination, the subscriber has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

- (i) If a subscriber nominates more than one person under sub-paragraph (ii) he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.
- (ii) Every nomination shall be in the Form set forth in the Schedule.
- (iii) A subscriber may at any time cancel a nomination by sending a notice in writing to the Finance Officer.
- (iv) Provided that the subscriber shall, along with such notice, send a fresh nomination made in accordance with the provisions of this scheme.
- (v) A subscriber to the Provident Fund may be permitted to change or revise the nomination at any time even after his/her service gets terminated, discharged, etc. only in accordance with the provisions under Paragraph 11 of the scheme, but before receiving payment provided the change or revision of the nomination is made and notified in accordance with this scheme.

9. Closure of subscription to the fund :- A provisional employee who is desirous of closing his subscription shall make an application in the prescribed form to the Finance Officer stating the reasons for closure of his subscription.

- a. Upon receipt of application for closure of subscription, the Finance Officer shall within six months from the date necessitating the closure of PF account; interest thereon up to the end of the month previous to the month in which authorization for closure is issued by the competent authority shall be allowed.
- b. If the application for closure is submitted after the period stipulated above interest shall be admissible up to six months from the crucial date necessitating the closure of PF account.

10. Withdrawal/Loan from subscription :- Subscribers may be permitted to avail advance from the PF during the subsistence of contract for the following purposes which is not refundable:

- a) To pay expenses in connection with illness of applicant and members of his family actually dependent on him;
- b) (b) To make the expenses in connection with educational purpose of the subscriber, or his children or dependent;
- c) (c) To make expenses in connection with urgent repair or maintenance of house;
- d) (d) Meeting the expenditure in connection with the marriage of a son or daughter of the subscriber;

Provided that the maximum amount of withdrawal/loan availed shall not exceed 40% of balance at credit.

11. Termination of subscription :- The subscription of a provisional employee to the provident fund shall be terminated on the following grounds:

- (i) When the subscriber is ceased to be an employee by way of termination of his contract with the Registrar;
- (ii) When the subscriber has committed a breach of his contractual obligations;
- (iii) When the contract executed with the Registrar is rescinded;
- (iv) When the contract executed by the provisional employee with the Registrar terminated by mutual consent of both the parties;
- (v) When the subscriber dies;
- (vi) When the Appellate Committee is of the considered opinion that, the subscription granted to the provisional employee was obtained by fraud;

Provided that, in all cases termination of subscription once granted to an employee shall only be through an order in writing, specifying the reasons for such termination and date of effect of termination. The Finance Officer shall report the matter of termination of subscription granted to a provisional employee to the Syndicate for ratification:

Provided further that, an order passed by the Appellate Authority under sub paragraph (vi) of this provision shall be appealable under paragraph 13 and became final upon ratification by the syndicate.

12. Disputes to Provident Fund :- Any dispute relating to Provident Fund subscription and other related matters shall be referred to the University Provident Fund Appellate Committee comprising of the following members:

- (i) The Registrar (as Chairman)
- (ii) The Joint Registrar(Finance)
- (iii) The Joint Registrar (Administration)
- (iv) The Deputy Registrar (Provident Fund)

The University Provident Fund Appellate Committee shall within 30 days from the date of reference settle the dispute.

13. Appeals :-

- a. A provisional employee, who is aggrieved by an order as to subscription, withdrawal, termination etc of his/her Provident Fund may prefer appeal in writing to the Finance Officer within 30 days from the date of receipt of the impugned order by which he is aggrieved;

- b. The Finance Officer shall cause to refer the appeal to the University Provident Fund Appellate Committee. The University Provident Fund Appellate Committee shall, within 30 days from the date of reference made by the Finance Officer, settle the dispute in accordance with the provisions of this scheme;
- c. The proceedings of the University Provident Fund Appellate committee shall be in the form of an order specifying the reasons thereof. The decision as well as the order so pronounced shall be final and binding on the appellant;
- d. A report on such redressal shall be placed before the next session of the Syndicate for ratification.

Proposal for amendment to Chapter XVI of the Kerala University First Ordinances, 1978

A new Provident Fund Scheme for provisional employees of the University, viz, "The Kerala University Provisional Employees Provident Fund Scheme, 2022" has been introduced. The proposal for amendment to the Sl. No. (1) and (2) of the Chapter XVI of the Kerala University First Ordinances, 1978 is submitted for consideration:

Existing Provision

Chapter XVI : Provident Fund and Pension

1. Institution of Provident Fund :- The University shall institute a Provident Fund styled "the Kerala University Employees' Provident Fund"
2. Scope of the Fund :- The Provident Fund instituted under Ordinance I shall apply to all the teaching and non-teaching staff of the university.

To be amended as:

Chapter XVI : Provident Fund and Pension

1. **Institution of Provident Fund :-** The University shall institute a Provident Fund styled "the kerala University Employees' Provident Fund"

(a) The Kerala University shall institute a Provident Fund styled "*The Kerala University Provisional Employees Provident Fund Scheme, 2022*" for provisional employees of the University.

2. **Scope of the Fund :-** The Provident Fund instituted under Ordinance I shall apply to all the teaching and non-teaching staff of the university.

And the Provident Fund instituted under Ordinance I(a) shall apply to all provisional employees who are employed as per an order issued by the University or by virtue of any contract executed by such provisional employee with the University.

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Item No.02

Kerala University Union –Extension of term - request submitted by General Secretary, KUU –Consideration of- reg.

(Election Section)

Ref: Submission made by the General Secretary, KUU dated 11.03.2022.

The elections to the office bearers of the Kerala University Union, the elections of ten student members to the Student Council and to the Senate is scheduled on 31.03.2022 as per the orders of the Vice Chancellor.

The preliminary electoral roll was published on 11.03.2022 and a press release in this regard was published in the University website as well as in the dailies and the election is scheduled on 31.03.2022. The date of publication of notification is fixed as 17.03.2022.

Now the General Secretary, Kerala University Union has submitted request for extending the term of present Kerala University Union, mentioning that the University Union is necessary for the conduct of University Youth Festivals and other cultural activities. It is also mentioned that the festivals cannot be conducted in the month of March as the exams are scheduled during this month itself.

It may noted that, the term the present Kerala University Union was extended thrice on the basis of requests of the Executives of the Union, ie.,

1. The term was extended upto 31st August 2021 vide Notification No.Election/KUU/Ext.term/2021 dated, 06.05.2021 based on the resolution of the Syndicate meeting held on 13.04.2021 (Item No.26.59).
2. The term was further extended upto 31st December 2021 vide notification no. Election/KUU/Ext.term/2021 date 14.09.2021 based on the resolution of the Syndicate meeting held on 17.08.2021 (Item No.31.55).
3. The Syndicate at its meeting (Item No.36.131) held on 20.01.2022, resolved to extent the tenure of Kerala University Union 2019-2020 for further three months or up to next union is constituted, whichever is earlier, vide Notification No. Election/KUU/ Ext.term/2022 dated 07.02.2022.

While considering the request for the third extension of the term of University union, the Syndicate categorically stated that the term of union will be upto 31st March 2022 or till reconstitution of the next union, whichever is earlier.

Most of the members in the extended Union have completed their course and are not students now. Hence legal correctness also arise here. Further in the wake of the upcoming University Youth Festival which is scheduled in the coming month. The financial responsibility involved in the Youth Festival is a situation that should only be approached with extreme caution.

As per clause 21 (1) of the Bye-laws of the Kerala University Union, the General Council, the Executive Committee and the Accounts Committee of the Union shall be reconstituted by the Vice Chancellor on or before 28th February of every year. Accordingly, sanction had been accorded by the Vice Chancellor for reconstituting the General Council of the University Union 2021-22 and notification issued accordingly.

The process for conducting the elections of office bearers of the Kerala University Union, the elections of ten student members to the Student Council and to the Senate scheduled on 31.03.2022 has been already started with the publishing the electoral roll. The request from the General Secretary, Kerala University Union for further extension of the term of Union is against the aforesaid resolution(3) of the Syndicate.

As per the orders of the Vice Chancellor, the matter is placed before the Syndicate for consideration and appropriate decision.

Resolution of the Syndicate

The Syndicate considered the request from the General Secretary, Kerala University Union for extending the term of present Kerala University Union and **RESOLVED** to extent the tenure of Kerala University Union 2019-2020 upto April 30, 2022 for conducting the University Youth Festival and Other Cultural Activities.

FURTHER RESOLVED that the notification of the Election to the Office bearers of the Kerala University Union, 10 students to the Senate and the Students Council scheduled on 31.03.2022 be cancelled.

ALSO RESOLVED to schedule the Election of Kerala University Union in the month of May, 2022.

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***Item No.03 Request to release 11th Pay Revision Arrear to PRC Staff, Kariavattom-
Consideration of-reg.***

(AdF1)

The Director (i/c), PRC has requested to release 11th Pay revision Arrear of PRC staff. The Ministry of Health and Family Welfare, Govt of India, the sponsoring body of PRC, Kerala sanctioned the 11th Pay revision arrear of PRC staff and released the amount for disbursement to the PRC staff .The PRC staff do not come under the purview of GPF/UPF and hence their arrear amount is supposed to be released to them directly without having been credited to the PF.

It is intimated by the Director (i/c), PRC that the Ministry of Health & Family welfare has already sanctioned the amount towards the pay revision arrears and the same has to be utilised within this financial year itself .

On verification in PFMS Portal, it is found that an amount of Rs.45,55,000/- has been credited to the account no.67277391614(Population Research Centre-State Bank of India)under the Family Welfare Schemes (3255) on 21/10/2021.

The amount received is reclassified under the following head of account.

Part III. MH.LXXX.Grants
C.Grants from Govt of India
II Schemes CCR 7553
Population Research Centre

The Finance II section have remarked that subject to administrative sanction, salary arrears, consequent on 11th pay revision ,in r/o PRC staff for the period from 01/07/2019 to 28/02/2021 may be disbursed

The Finance II section have endorsed the proposal vide Endt No.FOS 5996/Finance 2/2021-22.

The Vice Chancellor has ordered to place the matter before the Syndicate.

Accordingly, the matter is placed before the Syndicate.

Resolution of the Syndicate

RESOLVED that the salary arrears, consequent on 11th pay revision to staff of Population Research Centre for the period from 01/07/2019 to 28/02/2021 be disbursed.

Item No.04

Amendment in the Kerala University First Ordinance, 1978- Examination Fee for courses offered through SDE- proposing the date of effect - amendment-Consideration of- reg.

(Ac.AII)

The examination fees for courses under SDE was prescribed vide **U.O no.Ac.AII/1/REF/2013 dated 27.03.2013**. After implementation of semesterised pattern for UG programmes in SDE, adopting the Scheme and Syllabi of regular programmes, Project/ Dissertation and Practical also became part of SDE curriculum and the Standing Committee of the Syndicate on Finance held on 06.03.2020 recommended that the rate of fees prescribed for submission of Project/ Dissertation and Practical examination under regular mode be extended to UG programmes offered through SDE also, unless otherwise specified. The Vice-Chancellor, subject to reporting to the Syndicate approved the above recommendation and **UO No. Ac.AII/2/Fee/2020 dated 13.03.2020** has been issued in this regard.

On verification it is seen that Amendment to Kerala University First Ordinance, 1978 based on the UO dated 27.3.2013 has not been done till 2020. Since UO dated 13.3.2020 was issued based on the UO dated 27.3.2013, Amendment based on these two UOs are to be made in the Kerala University First Ordinance,1978, so as to include the fee prescribed in both the UOs in the same.

Hence Amendment proposal to the Kerala University First Ordinance, 1978 (clause IV), approved by the then Registrar dated 07.12.2020, was forwarded to Ac.L section in 2020 and the section returned the file on 15.1.2022, advising to place the matter before the Syndicate to specify the date of effect from which the prescribed Amendment shall have effect, citing Section 37(1) of the Kerala University Act, 1974. Section 37(1) of the Kerala University Act, 1974 reads, "All ordinances made under this Act shall have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during its next succeeding meeting". Section 37(1) specifies the date of effect of the Ordinance and not the date of effect of the UO.

The following may be noted:

- The UO dated 27.3.2013 specifically states that it takes effect from 2013 examinations onwards.
- The UO dated 13.3.2020 is silent on the date of effect and hence the common practice followed is to take the date of issuance of the UO as the date on which it takes effect, unless otherwise specified.

By considering the above facts, sanction has been accorded by the Vice Chancellor to place the matter of specifying the date from which the Amendment in the Ordinance shall take effect, based on UO dated 27.03.2013 and UO dated 13.03.2020, was placed before the Syndicate held on 25.02.2022 vide item no.37.173 and the Syndicate resolved to refer the item to the next Syndicate.

As per the orders of the Vice Chancellor the matter is placed before the Syndicate for consideration and appropriate decision.

Resolution of the Syndicate

RESOLVED to make necessary amendments in the Kerala University First Ordinances 1978, for the following proposals:

1. The examination fees for courses under School of Distance Education (SDE) prescribed by the Syndicate vide U.O. dated 27.03.2013 will come into effect from 27.03.2013.
2. Rate of fees prescribed for submission of Project/ Dissertation and Practical examination under regular mode be extended to UG Programmes offered through School of Distance Education (SDE) also, unless otherwise specified, prescribed by the Syndicate vide U.O. dated 13.03.2020 will come into effect from 13.03.2020.

FURTHER RESOLVED to place the above amendment proposals before the Senate for consideration.

Item No.05

University Engineering Unit- amendment to Kerala University First Ordinance, 1978 in connection with the direct recruitment of permanent staff through KPSC and promotion to the post of Electrician - Sub-committee - recommendations and draft amendment proposal- for approval-reg

(Ad DII)

The Government, vide GO (P) No. 37/2020/HEDN dated 06.11.2020 had fixed the qualification, age, scale of pay, mode of recruitment to the 16 non teaching posts of the Universities in Kerala directing the Universities to make necessary amendment in Statutes.

While considering the matter the Syndicate held on 02.07.2021, vide item no. 29.29.04 resolved to constitute a sub committee comprising of Adv. B Balachandran (as convener), Dr.K.G.Gopchandran and Sri. Bijukumar G, Adv. A Ajikumar, Members, Syndicate, to study and submit a report on the matter regarding the amendment to the Kerala University First Ordinance, 1978 in connection with the direct recruitment of permanent staff through KPSC at University Engineering Unit. Accordingly a meeting of the subcommittee was convened on 13.07.2021.

The Syndicate held on 17.08.2021, while considering the matter regarding promotion to the post of Electrician, referred the same to the sub committee already constituted above and resolved to include a service expert in the sub committee. The Vice-Chancellor, nominated Adv.Jothichudan as the service expert and a meeting of the subcommittee was convened on 10.12.2021.

During the meeting of the subcommittee convened on 07.03.2022, the committee finalized the reports of the previous meetings held on 13.07.2021 & 1.12.2021 (Report I and Report II) and recommended to place the same along with a detailed amendment proposal before the Standing Committee of the Syndicate on Staff, Equipment & Buildings. The Vice-Chancellor has approved the same.

Hence, as per the orders of the Vice-Chancellor the following are placed before the Standing Committee of the Syndicate on Staff, Equipment & Buildings for consideration and appropriate recommendations thereof:

1. Report of the Sub Committee constituted to study and submit a report on the matter regarding the amendment to Kerala University First Ordinance, 1978 in connection with the direct recruitment of permanent staff through KPSC at University Engineering Unit. (Report I)
2. Report of the Sub Committee constituted to study the matter regarding promotion to the post of Electrician at the University Engineering Unit. (Report II)
3. Proposal for amending the Kerala University First Ordinances, 1978 in connection with implementation of G.O. (P) No. 37/2020/HEDN dated 06.11.2020 in the University in respect of posts coming under the University Engineering Unit.

The Committee considered the matter and recommended to refer the matter to the Syndicate.

The meeting came to an end at 04.30 pm.

Resolution of the Syndicate

RESOLVED that the above proposals 1, 2 and 3 be agreed to.

FURTHER RESOLVED that the proposal at Sl. No.(3) be placed before the Senate for consideration.

Item No.06 Subscription of Journals and e – Resources - Minutes of the meeting of the Negotiation Committee & the Proposal submitted by Oxford University Press for the Purchase of e-books – approval of - reg.

(Ad.AV)

The meeting of the Negotiation Committee to conduct negotiation and discussion on the subscription of journals and e-resources was held on 15.03.2022 at the PVC's Chamber.

The Committee discussed on the subscription of Oxford e-books and has negotiated with the publisher. The Committee requested to give 50% discount for the present calendar year. The firm has assured to give maximum discount after discussing with their higher authority.

Sri. Joyanta Guha, Zonal Manager, Oxford University Press, vide e-mail dated 16.03.2022, has offered a total amount of \$38,152 for the purchase of 2008 e- books (\$19 per book) in the subjects of Sociology, Economics, Political Science, History, Business Management and English Literature. *They have reduced \$4920 (Rs. 3,73,083/-) from the earlier quoted price \$43,072. He has also stated that the offer is valid for final ordering before 26.03.2022 as they are unable process after that due to the year ending billing closer process deadline.*

The Vice-Chancellor has ordered to place the above matter before the Syndicate.

As per the orders of the Vice Chancellor, the following matters are placed before the Syndicate for consideration.

- **The draft minutes of the meeting of the Negotiation Committee held on 15.03.2022 on the subscription of Journals and E-Resources may be approved.**
- **The new proposal submitted by M/s Oxford University Press after negotiation, for an amount of \$38,152 (approximately Rs. 28,93,066/-) (5% GST is applicable as per Govt. norms) towards the purchase of 2008 e-books (\$19 per book) in the subjects of Sociology, Economics, Political Science, History, Business Management and English Literature.**

Resolution of the Syndicate

RESOLVED that the above proposals be agreed to.

MINUTES OF THE MEETING OF THE COMMITTEE CONSTITUTED TO CONDUCT NEGOTIATION AND DISCUSSION ON SUBSCRIPTION OF JOURNALS AND E-RESOURCES

Venue	:	Pro Vice Chancellor's Chamber
Date	:	15.03.2022
Time	:	4.00 pm

Members present

- | | |
|---|------------|
| 1. The Pro-Vice-Chancellor, (In the Chair) | Sd/- |
| 2. Dr. K.G. Gopchandran, Member Syndicate | Sd/- |
| 3. The Dean, Faculty of Science | Online |
| 4. Professor & Head, Institute of Management in Kerala | -- |
| 5. Professor & Head, Department of Political Science | Online |
| 6. Professor & Head, Department of Economics | Online |
| 7. Professor & Head Institute of English | (for) Sd/- |
| 8. The Head, Department of German | Sd/- |
| 9. The Head, Department of History | Online |
| 10. The Head, Department of Sociology | -- |
| 11. University Librarian (i/c), Kerala University Library | Sd/- |

Publishers present:

1. Sri. Vinoth Kumar representing Springer Nature
2. Sri. Stani Jude John representing EBSCO
3. Sri. Jagadesh V representing My LOFT
4. Sri. Joyanta Guha representing Oxford University Press
5. Sri. Pankaj Guha representing CMIE

The meeting started at 4.00 pm.

The Committee considered the subscription of **Nature Complete online collection** and conducted negotiation with the publisher. The Committee remarked that the number of Research scholars in Science subjects is very less in the University and also, it is very difficult to afford a huge amount due to shortage in budgetary provisions. Therefore, the Committee requested to offer 50% discount in terms of one year subscription after discussing with their higher authorities.

The committee discussed on the subscription of **EBSCO Open Athens Remote Access** and has negotiated with the firm. The Committee requested to provide revised invoice for 500 users with maximum possible discount. The publisher has agreed the same. The committee also requested to conduct a demonstration of the software once the purchase order is placed.

The Committee discussed on the subscription of **My LOFT Remote Access** and has negotiated with the firm. The Committee requested to provide revised invoice for 500 users with maximum possible discount. The publisher has agreed the same.

The committee discussed on the subscription of **Oxford e-books** and has negotiated with the publisher. Being a first time proposal, the Committee requested to give 50% discount for the present calender year. The firm has assured to give maximum discount after discussing with the higher authority.

The committee discussed on the subscription of **Economic Outlook** and has negotiated with the publisher. The Committee requested to limit the rate of Economic Outlook from Rs. 2,70,000/- to Rs. 1,70,000/- including 18% GST and to provide revised budgetary quote, in this regard. The Committee also recommended to place the matter before the Syndicate after obtaining the final price from the firm.

The Committee discussed on the subscription of the German e-resources viz. **Die Zeit (Newspaper), Das Welt (Newspaper), Spiegel (Magazine) and Stern (Magazine)** and entrusted the Head, Department of German to negotiate with the firm and to submit a report on it.

The University Librarian (i/c) submitted a report on the matter of examining the non-availability of subscribed e-resources in the open access system before the Committee and the same has been accepted by the Committee.

The Committee discussed the proposal and the financial estimate submitted by the University Librarian (i/c) for the establishment of Centre for Special Collection of Njanapedam Awardees in Malayalam language in the Kerala University Library, vide letter dated 09.03.2022, and has entrusted the University Librarian(i/c) to submit a new proposal and sketch for the same.

The meeting came to an end at 5.30 pm.

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Item No.07 *Modernization of University Libraries - Vertical extension to Kerala University Library Palayam - supply, installation, testing and commissioning of 1 No of 6 passenger lift – limited quotations invited – single bid – Negotiation meeting held on 08.03.2022- Minutes of the meeting- consideration of -reg*

(Pl.G)

As per G.O(Rt)No.466/2011/H.Edn dated:23.03.2011, the Government had released a total amount of Rs. 6,55,00,000/- (Rupees Six Crore Fifty Five lakh only) for the Modernization of University Libraries under University of Kerala and out of this, an amount of Rs.1.5 crores each has been allocated for building (Palayam) and renovation respectively.

Subsequently, as per U.O. No. Pl.G/4248/2012 dated 31.12.2018, administrative sanction was accorded approving the estimates for electrical works (Rs.10,27,690/-), Lift (Rs.15,00,000/-) and AC (Rs.35,00,000/-) in connection with the vertical extension work of the Kerala University Library, Palayam

With regard to the installation of lift in the vertical extension of Kerala University Library, tenders were invited for the supply, installation, testing and commissioning of 1 No. of 6 passenger lift and the lowest amount was quoted by the firm M/s Omega Elevators. Further, negotiation meetings were conducted with the firm and they had expressed their inconvenience to take up the work. Hence, the meeting of the Syndicate held on 12/01/2021 had decided to release the EMD submitted by M/s. Omega Elevators in respect of quotation related with the supply, installation, testing and commissioning of 1 No. of 6 passenger lift in vertical extension of Kerala University Library and to retender the work. The decision was intimated to the University Engineer vide letter dated 28/01/2021.

Subsequently, the Syndicate held on 17/11/2021, vide item no. 46.03 has considered the request of the University Engineer vide letter No. DB1/UL-LT/19 dated 03/11/2021, to issue sanction for inviting limited quotations for the installation of lift in the Vertical Extension to Kerala University Library, Palayam and decided to grant permission for inviting limited quotations from Kone Elevators India Pvt. Ltd., Johnson lift, Omega lift, Thyssenkurupp, Fujitee & Mitsubishi, waiving tender formalities for the supply, installation, testing and commissioning of 1 No of 6 passenger lift in the vertical extension to Kerala University Library, Palayam.

The University Engineer vide letter No. DB1/MUL/2021 dated 19/02/2022 has forwarded the limited quotation documents submitted by M/s. Johnson Lifts Pvt Ltd & reported that limited quotations for the installation of lift in the Vertical Extension to Kerala University Library were invited and in response single quotation of M/s. Johnson Lifts Pvt Ltd at Rs. 15,84,000/- (Rupees Fifteen lakh and eighty four thousand only) was received. Further reported that the tendered PAC of the work is Rs. 15,00,000/- (including GST) and the amount quoted by the firm is 5.6% above the tender PAC amount.

The details of the amount quoted by the firm as reported by the University Engineer is as follows:

For 6 passenger lift	Rs. 15,84,000/-
CMC - 4 th year (rate only)	Rs. 79,200/-
CMC - 5 th year (rate only)	Rs. 85,000/-
CMC - 6 th year (rate only)	Rs. 91,000/-

The University Engineer has also reported that, the firms were directed to submit EMD of Rs.37,500/- along with the quotation but M/s. Johnson Lifts Pvt. Ltd had not submitted the EMD along with the quotation.

Since this is a limited quotation & considering the single bid received and emergency in installing the lift in the library, the University Engineer has suggested to consider the offer of M/s. Johnson Lifts Pvt. Ltd, even though they have not furnished the EMD. The University Engineer has forwarded the limited quotation received from M/s. Johnson Lifts Pvt. Ltd & requested for sanction after conducting negotiation with the firm to reduce their quoted amount & AMC to the maximum extent possible.

The Syndicate held on 25.02.2022, vide item no. 37.146.14, has considered the above matter and entrusted the Pro-Vice Chancellor, University Engineer & the Registrar to negotiate with M/s. Johnson Lifts Pvt Ltd. to reduce the quoted amount of Rs.15,84,000/-, as the amount quoted by the firm is 5.6% above the tender PAC amount of Rs.15,00,000/-.

Accordingly, negotiation meeting with M/s. Johnson Lifts Pvt Ltd was conducted on **08.03.2022** at 3 pm at PVC's chamber.

During the negotiation meeting, M/s. Johnson Lifts Pvt Ltd was requested to reduce the quoted amount to as low as they can do as the tendered PAC of the work is Rs. 15,00,000/- (including GST) and the amount quoted by the firm is 5.6% above the tender PAC amount. The representative of M/s. Johnson Lifts Pvt Ltd agreed to convey the final decision on 9-3-2022 in writing after discussion with higher officials of the firm. The meeting agreed with the same and resolved to take a final decision after receipt of the final negotiated amount.

And on 09.03.2022, M/s. Johnson Lifts Pvt Ltd, vide letter addressed to the University Engineer, has informed that their final price would be **Rs.14,95,760/-** including 12% GST . Also informed that AMC price would be same as quoted in tender.

As per orders of the Vice-Chancellor, the minutes of the negotiation meeting held on 08.03.2022 is placed before the Syndicate for consideration.

Minutes of the Negotiation meeting with M/s. Johnson Lifts Pvt. Ltd regarding the supply, installation, testing and commissioning 1 No. of 6 passenger lift in the Vertical Extension to Kerala University Library

Date and Time : 08.03.2022; 3 pm

Venue : PVC's Chamber

Members

The Pro Vice Chancellor (in the Chair)	Sd/-
The Registrar	Sd/-
The University Engineer	Sd/-

M/s Johnson Lifts Pvt Ltd

Mr. Sujith S V, Sr. Engineer

Sd/-

The University Engineer, vide letter No. DB1/MUL/2021 dated 19/02/2022, has forwarded the limited quotation received from M/s. Johnson Lifts Pvt. Ltd and requested for sanction after conducting negotiation with the firm to reduce their quoted amount & AMC to the maximum extent possible.

The Syndicate held on 25.02.2022, vide item no. 37.146.14, has considered the above matter and entrusted the Pro-Vice Chancellor, University Engineer & the Registrar to negotiate with M/s. Johnson Lifts Pvt Ltd. to reduce the quoted amount of Rs.15,84,000/-, as the amount quoted by the firm is 5.6% above the tender PAC amount of Rs.15,00,000/-.

Accordingly, the Pro Vice Chancellor ordered to convene the meeting with M/s. Johnson Lifts Pvt Ltd at 3 pm on 08.03.2022.

During the negotiation meeting, M/s. Johnson Lifts Pvt Ltd was requested to reduce the quoted amount to as low as they can do as the tendered PAC of the work is Rs. 15,00,000/- (including GST) and the amount quoted by the firm is 5.6% above the tender PAC amount.

The representative of M/s. Johnson Lifts Pvt Ltd stated that, an amount of Rs. 10,000/- (Rupees Ten thousand only) can only be reduced from his quoted amount (Rs. 15,84,000/-) and cannot be reduced further as it may result in a loss. On further negotiation, the representative agreed to convey the final decision on 9-3-2022 in writing after discussion with higher officials of the firm. The meeting agreed with the same and resolved to take a final decision after receipt of the final negotiated amount.

The meeting came to an end at 3.45 p.m.

M/s. Johnson Lifts Pvt Ltd, vide letter dated 09.03.2022, has informed that their final price would be **Rs. 14,95,760/-** including 12% GST . Also informed that AMC price would be same as quoted in tender.

Resolution of the Syndicate

RESOLVED that the Minutes of the Meeting of the Negotiation with M/s. Johnson Lifts Pvt. Ltd., regarding the supply, installation, testing and commissioning -1 No. of 6 passengers lift in the Vertical Extension to Kerala University Library, Palayam held on 08.03.2022, be approved.

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Item No.08. Minutes of the 13th meeting of the Purchase Committee for the year 2021-22 held on 18.03.2022–Approval of- reg.

(Ad.BIV(CP))

As per the orders of the Vice Chancellor, the Minutes of the 13th (Non -Plan and Plan Fund) meeting of the Purchase Committee held on 18.03.2022, is placed before the Syndicate for approval.

Minutes of the 13th Meeting of the Purchase Committee

Date : 18.03.2022
Time : 10.30 A.M
Venue : Pro-Vice- Chancellor's Chamber

Chairman

The Pro-Vice-Chancellor : Sd/-

Members

- | | | |
|---|---|------|
| 1. Adv.K.H.Babujan, Member, Syndicate | : | Sd/ |
| 2. Adv.A.Ajikumar, Member, Syndicate | : | - |
| 3. Dr. K.G.Gopchandran, Member, Syndicate | : | Sd/- |
| 4. Dr.S.Nazeeb, Member, Syndicate | : | - |
| 5. Adv.B.Balachandran, Member, Syndicate | : | - |
| 6. Adv.G.Muralidharan Pillai, Member, Syndicate | : | - |
| 7. Dr. K.B. Manoj, Member, Syndicate | : | - |
| 8. Sri.Arunkumar.R, Member, Syndicate | : | - |
| 9. The Registrar | : | - |

10. The Finance Officer	:	-
11. The Director, Planning & Development	:	Sd/-
12. The Director i/c, KUCC	:	Online
13. The Instrumentation Engineer	:	Sd/-

Item No:08.13.01: University of Kerala – CLIF - Renewal of AMC of CAMAG make HPTLC (Ad.DIII section)

Dr.G.M.Nair, Hon. Director, CLIF has stated that the three year warranty period of CAMAG make HPTLC (High Performance Thin Layer Chromatography) installed in CLIF on 28/03/2018 under the DST PURSE programme has expired and has forwarded the quotation for Annual Maintenance contract for the instruments received from M/s ANCHROM Enterprises(I) P. Ltd, A 101-104, Aniket Apartment, Mumbai for one year for an amount of Rs.88,500/- (Rupees Eighty Eight thousand Five Hundred only) inclusive of GST.

The Hon. Director, CLIF has also informed that M/s Anchrome Enterprises (I) P. Ltd, A 101-104, Aniket Apartment, Mumbai have already done the first preventive maintenance visit of CAMAG make HPTLC (High Performance Thin Layer Chromatography) installed in CLIF on 06/08/2021.

He has requested that sanction may be accorded for entering into AMC for CAMAG make HPTLC (High Performance Thin Layer Chromatography) with M/s ANCHROM Enterprises(I) P. Ltd, A 101-104, Aniket Apartment, Mumbai for a period of one year from 15.07.2021 to 14.07.2022 at a total amount of Rs.88,500/- (Rupees Eighty Eight thousand Five Hundred only) inclusive of GST, by meeting the expenditure from MH-59(e)- CLIF – 4-3020 – Maintenance of Equipment provided in the current year Budget Estimates of the University as detailed below:

Description	HSN/SAC No	Sales Price	Quantity	Price
AMC - CAMAG make HPTLC	998719	INR 75,000	1	INR 75,000.00
			Subtotal	INR 75,000.00
			Total Amount	INR 75,000.00
			IGST in Rs	INR 13,500.00
			Grand Total INR	INR 88,500.00

Finance has endorsed the proposal from the Director, CLIF for entering into AMC with M/s Anchrome Enterprises(I) Pvt Ltd, A 101-104, Aniket Apartment, Mumbai for the AMC of CAMAG make High Performance Thin Layer Chromatography installed at CLIF vide Endt.FOS. 5834/Finance I/2021-22

The matter was placed before the Syndicate by the orders of the *Vice-Chancellor*, and the Meeting of the Syndicate held on 16/03/2022 resolved to refer the matter to the Purchase Committee.

As per the orders of the Vice-Chancellor, the proposal for entering into AMC with M/s.Anchrome Enterprises(I) Pvt Ltd, Aniket Apartment, Mumbai for the AMC of CAMAG make High Performance Thin Layer Chromatography installed at CLIF for an amount of Rs.88,500/- (Rupees Eighty Eight Thousand and Five Hundred only) including GST, for a period of one year w.e.f 15.07.2021, is placed before the Purchase Committee for consideration and appropriate recommendation.

The Committee considered the matter and recommended to enter into Annual Maintenance Contract with M/s Anchrom Enterprises(I) Pvt Ltd., Mumbai, for the CAMAG make High Performance Thin Layer Chromatography installed in the CLIF , for an amount of Rs.88,500/- (Rupees Eighty Eight Thousand and Five Hundred only) including GST, for a period of one year w.e.f. the date of issuance of the University Order; meeting the expenditure from MH-59(e)- CLIF – 4-3020 – Maintenance of Equipment provided in the Budget Estimates of the University.

Resolution of the Syndicate

RESOLVED that the above recommendations of the 13th Meeting of the Purchase Committee for the year 2021-22 held on 18.03.2022, be approved.

Item No:08.13.02:- University of Kerala –CLIF- Purchase of spare parts for Liquid Nitrogen plant (Ad.DIII section)

Dr.G.M.Nair, Hon. Director, CLIF has stated that Wirac Automation make Liquid Nitrogen Plant was purchased from M/s Triune Solutions and installed in CLIF (formerly SICC) on 22.03.2018 by M/s Nitrogenium Innovations & Filtration India Private Limited, Delhi (distributor of Wirac Automation Ltd.). He has mentioned that the warranty period of Liquid Nitrogen Plant expired on 21.02.2021. However, as per the U.O No.PI.D/1792/SICC/LN2/16 dated 01.03.2017, in addition to the 3 years warranty, AMC services for a period of 2 years shall be provided by the firm, during which the cost of spare parts alone will be met by the University. He has mentioned that the service of Liquid Nitrogen plant has been done periodically by M/s Nitrogenium Innovations & Filtration India Private Limited and that during last visit, they recommended that spares and additional parts are required for better and continuous operation of the plant. The Hon. Director has also enclosed the quotation received from M/s Nitrogenium Innovations & Filtration India Private Limited.

Since the plant urgently required replacement of all requisite spare parts and Liquid Nitrogen is needed for running major equipments installed in CLIF, the Hon. Director has requested that sanction may be accorded for the purchase of spare parts for Liquid Nitrogen plant from M/s Nitrogenium Innovations & Filtration India Private Limited, Delhi for an amount of Rs. 4,90,800/- (Rupees Four Lakhs Ninety Thousand Eight Hundred only) + GST@ 18% or @5% DSIR Certificate) and freight charge Rs.17,500/- including 18% GST, expenditure to be met from “Part I–NP–MH–59(e)-CLIF–4-3020–Maintenance of Equipment” provided in the current year’s Budget of the University.

Sl No	Description	Qty	Unit price	Total basic price
1	Air compressor consumable spare parts for smooth operation	1 set	83,800.00	83,800.00
2	Air pre cooling system for air dryer with moisture separator, filter & required pipe and fittings	1 set	42,800.00	42,800.00
3	Air Dryer consumable parts Consist of: 1 x desiccant charge 3 x filter element 2 x silenser	1 set	1,10,900.00	1,10,900.00
4	N2 generator consumable parts kit 2 x exhaust silencers 1 x filter element 1 x sterile filter cartridge 2 x control valve kit	1 set	1,24,700.00	1,24,700.00
5	Water chiller system repair & upgradation	1 set	1,28,600.00	1,28,600.00
Total Rs: 4,90,800.00 GST extra as applicable				

Planning D has informed that as per UO no.PI.D/1792/SICC/LN2/16 dated 01.03.2017, sanction was accorded to purchase Wirac Automation make Noblegen brand Liquid Nitrogen Plant (LN2) from M/s. Triune Solutions using the RUSA fund available then for the purchase of equipment.

However, Planning D section has informed that the RUSA fund allocated for the purchase of equipments has been completely utilised and at present there is no fund available with the RUSA account, and that they are anticipating an amount of Rs. .20833 Crores in near future from RUSA as the pending state share of RUSA Phase I of sanctioned amount of Rs. 20 Crore. They have also mentioned that as per the Minutes of the Meeting of the Syndicate held on 30.10.2019 (Item No.05.115), excess amount over and above the RUSA assistance may be met from non-plan funds. Since there is no fund available in RUSA account at present, they have suggested that aforementioned expenditure may be met from the non - plan funds.

Finance has endorsed the proposal from the Director, CLIF for the purchase of spare parts for Liquid Nitrogen plant from M/s Nitrogenium Innovations & Filtration India Private Limited, for an amount of Rs.4,90,800/- (Rupees Four Lakhs Ninety Thousand Eight Hundred only) + GST @ 5% and freight charge amounting to Rs.17,500/- including 18% GST, GST TDS @2% to be deducted while effecting the payment and to meet the expenditure from Part I –NP–MH:59(e)-Central

Laboratory for Instrumentation and Facilitation–4/3020–Maintenance of Equipment” provided in the current year’s Budget of the University.

The matter was placed before the Syndicate by the orders of the Vice-Chancellor, and the Meeting of the Syndicate held on 16/03/2022 resolved to refer the matter to the Purchase Committee.

As per the orders of the Vice-Chancellor, the proposal from the Director, CLIF for the purchase of spare parts for Liquid Nitrogen plant from M/s Nitrogenium Innovations & Filtration India Private Limited, Delhi, for an amount of Rs.4,90,800/- (Rupees Four Lakhs Ninety Thousand Eight Hundred only) + GST @ 5% and freight charge amounting to Rs.17,500/- including 18% GST, is placed before the Purchase Committee for consideration and appropriate recommendation.

The Committee considered the matter and recommended to purchase spare parts for Liquid Nitrogen plant installed in the CLIF, from M/s Nitrogenium Innovations & Filtration India Private Limited, Delhi, for an amount of Rs.4,90,800/- (Rupees Four Lakhs Ninety Thousand Eight Hundred only) + GST @ 5% and freight charge amounting to Rs.17,500/- including 18% GST as detailed below; meeting the expenditure from “Part I–NP–MH–59(e)-CLIF–4-3020–Maintenance of Equipment” provided in the Budget Estimates of the University.

Sl.No	Description	Qty	Unit price	Total basic price
1	Air compressor consumable spare parts for smooth operation	1 set	83,800.00	83,800.00
2	Air pre cooling system for air dryer with moisture separator, filter & required pipe and fittings	1 set	42,800.00	42,800.00
3	Air Dryer consumable parts Consist of: 1 x desiccant charge 3 x filter element 2 x silenser	1 set	1,10,900.00	1,10,900.00
4	N2 generator consumable parts kit 2 x exhaust silencers 1 x filter element 1 x sterile filter cartridge 2 x control valve kit	1 set	1,24,700.00	1,24,700.00
5	Water chiller system repair & upgradation	1 set	1,28,600.00	1,28,600.00
Total: Rs. 4,90,800/- + 5% GST + Freight charges Rs. 17,500/- including GST 18%				

Resolution of the Syndicate

RESOLVED that the above recommendations of the 13th Meeting of the Purchase Committee for the year 2021-22 held on 18.03.2022, be approved.

Item No.09 Minutes of the hearing in compliance with the judgement of the Hon’ble High Court of Kerala WP(C) No:2576/2022 filed by Mr.Nirmal Joe Bertille- Candidate of MBA-reg:

(EE II C)

Sri.Nirmal Joe Bertille, a candidate of MBA (2019-2021Batch) with candidate code 59519944025 from University Institute of Management, Kollam had filed a writ petition WP(C) No: 2576/2022 before the Hon’ble High Court of Kerala with the prayer to issue a writ of Mandamus or any other appropriate order or direction to the University of Kerala for revising the marks awarded (presently 35 marks- average of 42 and 28, which were the marks with minimum difference) to the petitioner for the subject “ Financial Market and Services” of Third Semester MBA Degree Examinations, January, 2021 as the petitioner had scored 57, 42 and 28 marks in Ist, IInd and IIIrd valuations respectively.

The petitioner had submitted a complaint at the time of scrutiny itself and accordingly a decision MEMO was communicated to him vide **MEMO no: EEIIC/MBA/2021 dated 22/12/2021**, that his request to consider **the average of highest two marks** cannot be conceded to, as per the standing rules of the University regarding valuation. The petitioner further submitted a representation to the Hon’ble Vice Chancellor on **16/01/2022** vide E-mail to reconsider the decision of the

University and filed a writ petition before the Hon'ble High Court of Kerala on 27/01/2022 while the request of the petitioner was under process. The petitioner was informed vide MEMO no:EEIIC/MBA/2022 dated 16/2/2022, that his request to reckon the highest scored marks in the three valuations cannot be considered as the rules of revaluation are not applicable to MBA Degree Programme.

For MBA Degree programme, the scheme of double valuation is employed. The petitioner was awarded 57 and 42 respectively at the I and II valuation. Since there was a variation of 15%, the answer script was sent for third evaluation by a separate examiner in accordance with the scheme of evaluation. For the third valuation, the petitioner was awarded 28 marks.

As per the examination manual, for courses where the scheme of double valuation is employed, the average of marks obtained in first and second valuations is considered for the computation of result. When there is a variation of **15%** or more between the marks awarded by the first and second examiner, **third valuation is done by the University voluntarily** and the average of the nearest two marks (marks with minimum deviation) of first, second and third valuation is considered for arriving at the result. **Hence the average of 42 and 28 marks (II and III), which shows the minimum difference, was considered for calculating the result, ie, 35 marks. The minimum marks required for a pass is 37.5. As the petitioner cleared another paper ("MGT 3F7-Security Analysis and Portfolio Management") of the same semester with the moderation of 8.5 marks and thus was not able to clear the paper in the question with the help of moderation.**

The petitioner had approached the Hon'ble High Court of Kerala with the prayer to direct the University of Kerala to award the highest scored marks in the three valuations, citing the rules of revaluation. Since *there is no revaluation for MBA course the rules of revaluation- 16(a)(i) of University of Kerala revised guidelines for revaluation of answer books of University Examinations, 1998 are not applicable.* For MBA Degree programme only the provision of scrutiny exists.

For MBA course, the three valuations are part of the evaluation process. As such these valuations do not come under the purview of rules of revaluation and hence the prayer of the petitioner is not applicable.

The Hon'ble High Court of Kerala had considered the writ petition WP(c) no: 2576 filed by Mr. Nirmal Joe Bertille and was of the view that the University is bound to consider the issue with an open mind. Also the Hon'ble Court pointed out that since the valuation and award of marks are confined to the rules of the University, the Court was not ready to interfere in it. The Court had disposed the writ petition filed by the petitioner directing the first respondent (Hon'ble Vice Chancellor) to conduct a hearing of the petitioner within a period of one month from the date of receipt of the copy of the order (ie before 25/03/2022).

In compliance with the orders of the Hon'ble High Court of Kerala, the petitioner was heard by the Hon'ble Vice Chancellor on 17/03/2022 at 5.15pm at the Vice-Chancellor's Chamber. As per the orders of the Hon'ble Vice Chancellor, the minutes of the hearing is placed before the Syndicate for consideration and recommendation.

EEIIC/MBA/2022

17/03/2022

Minutes of the hearing of Mr. Nirmal Joe Bertille, a candidate of MBA from UIM, Kollam in compliance with the judgement of the Hon'ble High Court of Kerala (WP(c) No:2576/2022)

Day and Date : Thursday, 17/03/2022
 Venue : The Vice Chancellor's Chamber
 Time : 5.15 pm

Members Present

- | | | |
|-------|--|------|
| (i) | The Hon'ble Vice Chancellor (In the chair) | Sd/- |
| (ii) | Mr. Nirmal Joe Bertille (59519944025- The Petitioner) | Sd/- |
| (iii) | Dr. K S Chandrasekar, Director, IMK, Kariavattom | Sd/- |
| (iv) | Dr. R Vasanthagopal, Dean, Faculty of Management Studies | Sd/- |
| (v) | The Controller of Examinations | Sd/- |
| (vi) | The Legal Adviser | Sd/- |

The meeting commenced at 5:15 p.m. The panel with the Hon'ble Vice-Chancellor in chair heard the petitioner. The petitioner appeared in person and submitted his grievances in writing. He

expressed his perspective on the matter before the Vice-Chancellor. The Vice-Chancellor brought the rules regarding valuation to the notice of the petitioner.

After the hearing, the Vice-Chancellor expressed with great anguish on the deviation in the valuation which is not acceptable. The Vice-Chancellor noted that the three valuations done had resulted in the marks 57, 42 and 28 respectively which showed a variation of 100%. Hence considering the spirit of the direction of Hon'ble High Court in the Judgement of WP(C) No. 2576/2022 which sought the University to proceed with an open mind in the matter, the Hon'ble Vice-Chancellor resolved to authorize the Controller of Examinations to conduct a fresh valuation of the answer script in question (Financial Market and Services of Third Semester MBA Degree Examination January 2021) by a subject expert from the panel suggested by the Dean, Faculty of Management Studies and to treat the said marks thus awarded as the final mark to be reckoned for result.

The meeting came to an end at 6:15 p.m.

Resolution of the Syndicate

The Syndicate considered the recommendations of the Minutes of the hearing in compliance with the judgement of the Hon'ble High Court of Kerala (WP (C) N0.2567/2022) and **RESOLVED** to obtain panel suggested by the Dean, Faculty of Management Studies and to authorise the Controller of Examinations to conduct a fresh valuation by the two Experts nominated from the panel suggested by the Dean, Faculty of Management Studies and to award the average of the said mark to the candidate.

REGISTRAR (i/c)

PRO-VICE-CHANCELLOR

VICE-CHANCELLOR

University Buildings,
Thiruvananthapuram,
18.03.2022



UNIVERSITY OF KERALA
Preliminary Minutes of the 45th Meeting of the
Syndicate held on 25.08.2022
(Re-accredited by NAAC with 'A++' Grade)

Place of Meeting : University Buildings,
Thiruvananthapuram
 Time : 10.00 AM

Members Present:

1. Prof.(Dr.) V.P.Mahadevan Pillai *(In the Chair)*
Vice-Chancellor
2. Prof.(Dr.) P.P.Ajayakumar
Pro-Vice-Chancellor
3. Dr.K.G.Gopchandran
4. Adv.G.Muralidharan Pillai
5. Sri.Bijukumar.G
6. Sri.Jairaj.J
7. Adv.A.Ajikumar
8. Sri.Arunkumar R
9. Dr.M.Vijayan Pillai
10. Adv.K.H.Babujan
11. Dr.S.Nazeeb
12. Sri.B.P.Murali
13. Sri.P.Rajendrakumar
14. Adv.B.Balachandran
15. Sri.Sandeep Lal. S
16. Prof.K.Lalitha
17. Smt. Renju Suresh

Item No. 45.01(a) Confirmation of the Preliminary Minutes of the Special Meeting of the Syndicate held on 18.03.2022 -reg.

(Ac.A.I)

The Syndicate considered and approved the Preliminary Minutes of the 43rd Meeting of the Syndicate held on 18.03.2022.

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